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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 09-CR-00466(BMC)
:
:
-against- : United States Courthouse
:
:
:
December 17, 2018
9:30 a.m.
:
JOAQUIN ARCHIVALDO GUZMÁN :
LOERA, :
:
Defendant. :
- - - - - X

REDACTED TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
BEFORE THE HONORABLE BRIAN M. COGAN
UNITED STATES DISTRICT JUDGE, and a jury.

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25 Proceedings recorded by computerized stenography. Transcript
produced by Computer-aided Transcription.

Cifuentes Villa - cross - Lichtman

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1 (In open court; jury not present.)

2 (Defendant enters the courtroom at 9:32 a.m.)

3 (Witness resumes the stand.)

4 THE COURTROOM DEPUTY: All rise.

5 THE COURT: Good morning. Let's bring in the jury,
6 please.

7 (Jury enters.)

8 THE COURT: All right. Everyone be seated. Good
9 morning, ladies and gentlemen. Hope you had a good weekend.
10 We will continue with cross-examination.

11 Mr. Lichtman.

12 MR. LICHTMAN: Thank you, Your Honor.

13 **J O R G E M I L T O N C I F U E N T E S V I L L A ,**

14 called as a witness, having been previously
15 sworn/affirmed, was examined and testified as
16 follows:

17 CROSS-EXAMINATION

18 BY MR. LICHTMAN: (Continued.)

19 Q Good morning, Mr. Cifuentes.

20 A Good morning.

21 Q Did you have a chance to speak to the Government,
22 prosecutors, or agents since we broke for the weekend on
23 Thursday?

24 A No, sir.

25 Q You didn't speak to them at all?

Cifuentes Villa - cross - Lichtman

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1 THE COURT: Give us a minute.

2 A No, sir, no one.

3 Q When we took our break on Thursday, we were discussing
4 your brother's murder of his boss and your friend, Don Efra.

5 Do you recall that?

6 THE INTERPRETER: And your friend?

7 BY MR. LICHTMAN:

8 Q When we took our break on Thursday, we were discussing
9 your brother Fernando's murder of his boss, Don Efra.

10 Do you recall that?

11 A Yes, sir.

12 Q And you testified that you had asked your brother as a
13 favor not to kill Don Efra.

14 Do you recall that?

15 A Yes, sir, that's correct.

16 Q And I asked you whether you had told the Government in
17 the briefings that you tried to stop the murder of Don Efra by
18 your brother, Fernando.

19 A Yes, sir. I tried to persuade him.

20 Q And you said on Thursday that you didn't know whether you
21 had told the Government that you tried to stop that murder.

22 Do you recall that?

23 A I tried to persuade him, yes, sir.

24 Q I asked whether you had told the Government in the
25 briefings when you discussed the murder of Don Efra by your

Cifuentes Villa - cross - Lichtman

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1 brother, Fernando, did you tell the Government that you tried
2 to stop this murder?

3 A Yes, sir, that's correct.

4 Q Did you, in fact, tell the Government or are you not
5 sure?

6 A Yes, sir, I did tell them.

7 Q You are absolutely positive?

8 A Yes, sir, I am absolutely correct.

9 Q Pages 3139, lines 9 to 11, you were asked this question
10 and --

11 MR. FELS: Objection, Your Honor.

12 Q -- you gave this answer --

13 THE COURT: What's the objection?

14 MR. FELS: Improper. He said he didn't know -- he
15 testified that he did tell the Government.

16 THE COURT: Let's have a sidebar, please.

17 (Sidebar.)

18 (Continued on the following page.)

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Sidebar

3182

1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 MR. LICHTMAN: I'm not refreshing his recollection.

4 THE COURT: I know. You're impeaching him.

5 Come around.

6 He's not refreshing his recollection, he's
7 impeaching him because previously, I assume, I don't recall,
8 but I assume he testified that he did not tell the Government
9 that he tried --

10 MR. LICHTMAN: He said he wasn't sure if he did, and
11 now he's absolutely 100 percent certain.

12 THE COURT: So you're trying to impeach the "I'm not
13 sure" with the now "100 percent" --

14 MR. LICHTMAN: Now he's 100 percent. He could have
15 said "I'm not sure" or --

16 THE COURT: What's wrong with that?

17 MR. FELS: How can you impeach him? With what?

18 MR. LICHTMAN: It's an inconsistent statement.

19 THE COURT: First he says he's not sure; now he says
20 he's 100 percent sure. Is that inconsistent?

21 MR. FELS: I'm trying to figure out what he's trying
22 to impeach him with. I mean, if he testified on Thursday that
23 he wasn't sure and now he's saying that he's sure that he told
24 the Government, what is he planning on impeaching him with?

25 MR. LICHTMAN: How that's an inconsistent statement.

Sidebar

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1 THE COURT: Don't argue to each other.

2 It seems to me, it's at least an arguably
3 inconsistent statement. It may not be the most important
4 inconsistency in the world, but it's --

5 MR. LICHTMAN: I will take what I can get, Judge.

6 THE COURT: Okay.

7 (Sidebar ends.)

8 (Continued on next page.)

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Cifuentes Villa - cross - Lichtman

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1 (In open court.)

2 MR. LICHTMAN: Thank you, Judge.

3 BY MR. LICHTMAN:

4 Q You just testified that you are a hundred percent certain
5 that you told the Government that you tried to stop the murder
6 of Don Efra by your brother Fernando.

7 A That's correct, yes, sir.

8 Q On Thursday, you gave this answer to this question:

9 "Sir, I'm going to ask you again, you never told the
10 Government that you tried to stop this murder.

11 "Answer: I don't know, but either way I could not
12 stop it."

13 A I tried to stop it, but I wasn't able to.

14 Q I didn't ask you whether you tried to stop it. I asked
15 whether you told the Government you tried to stop it.

16 A Yes, sir, I did tell the Government that I tried to stop
17 my brother from killing Don Efra, that is correct.

18 Q Are you suggesting that you had no control over your
19 brother, Fernando?

20 A That's correct, yes, sir.

21 Q He did what he wanted and you couldn't stop it and you
22 couldn't ask him to do things?

23 A I was not able to stop him.

24 Q Now, you did ask your brother to kill people, though,
25 didn't you?

Cifuentes Villa - cross - Lichtman

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1 A Yes, sir.

2 Q You told the Government in an October 22, 2014 briefing
3 that you had given permission for Fernando to kill Carlos
4 Yesid Correa in 1990, correct?

5 A Yes, sir, that is correct.

6 Q You told the prosecutor that Correa had made an insulting
7 remark about Fernando in front of Don Efra in a meeting.

8 A That's correct, yes, sir.

9 Q And Fernando asked you if he could kill him?

10 A Yes, sir.

11 Q Now, Fernando used one of your bodyguards to find Correa,
12 that he could kill him, correct?

13 A Yes, sir, that's correct.

14 Q And you lied to Don Efra about your knowledge and
15 involvement in that murder, correct?

16 A No, sir.

17 Q You didn't lie about your knowledge and involvement?

18 A No, sir. They never asked me.

19 Q Can I refresh your recollection that perhaps you did say
20 to the Government that you had lied to Don Efra?

21 MR. FELS: Objection.

22 THE COURT: Sustained.

23 BY MR. LICHTMAN:

24 Q Do you recall allowing Don Efra to blame and subsequently
25 order the murder of a fellow named Caruso in retaliation for

Cifuentes Villa - cross - Lichtman

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1 the murder of Correa?

2 A No, sir, you're mistaken.

3 Q I'm mistaken?

4 A Yes, sir. Check the notes again, please.

5 Q I will check the notes again, perfect. Thank you. I
6 will.

7 I'm going to ask you --

8 A I don't need to verify anything. You check them.

9 Q You said you want me to check the notes, didn't you, sir?
10 I'm checking the notes.

11 THE COURT: Stop. Stop. Put another question to
12 the witness, please.

13 BY MR. LICHTMAN:

14 Q Do you need your recollection refreshed on whether you
15 lied to Don Efra when you asked me to check the notes?

16 MR. FELS: Objection.

17 THE COURT: Sustained as to form.

18 BY MR. LICHTMAN:

19 Q Do you need your recollection refreshed with regard to
20 the fact that you told the Government that you lied to Don
21 Efra --

22 MR. FELS: Objection.

23 Q -- about your involvement in that murder?

24 THE COURT: Mr. Lichtman, you have got to find a
25 better way to phrase it.

Cifuentes Villa - cross - Lichtman

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1 BY MR. LICHTMAN:

2 Q Did you lie to Don Efra in connection with this murder?

3 A No, sir.

4 Q Tell me something, this fellow Caruso, he was your
5 friend, wasn't he?

6 A I don't know who he is.

7 Q You didn't tell the Government that he was your friend?

8 A No, sir.

9 Q Tell me, after your brother killed Don Efra in 1996,
10 Fernando was killed in response, correct?

11 A Yes, sir, that is correct.

12 Q And Don Efra's people took all of his assets; is that
13 correct?

14 A Yes, sir, it is.

15 Q And some of his money were in accounts overseas, weren't
16 they?

17 A That's correct.

18 Q And you were forced to pay \$15 million to Don Efra's
19 people even though you claim you had nothing to do with that
20 murder, correct?

21 A That's correct.

22 Q And you paid that money or else your entire family would
23 have been killed; isn't that correct?

24 A That's correct, yes, sir.

25 Q But even though you claimed that you had -- let me break

Cifuentes Villa - cross - Lichtman

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1 this question up.

2 Again, you claimed you had nothing to do with the
3 murder of Don Efra, correct?

4 A I was not able to stop it.

5 Q And even though you paid \$15 million to ensure that your
6 entire family would not be killed because your brother killed
7 Don Efra, you, in fact, ordered the murder of a man who was
8 involved in the murder of your brother for killing Don Efra,
9 didn't you?

10 A Yes, sir, that's correct.

11 Q Do you remember that fellow's name that you tried to
12 kill?

13 THE COURT: Mr. Lichtman, you have to let the
14 interpreter finish translating.

15 Go ahead.

16 A Henry Parra.

17 Q And you won't be prosecuted for that murder, will you?

18 A The gentleman did not die; he's alive.

19 Q Excuse me. You won't be prosecuted for your ordering the
20 murder of Henry Parra, correct?

21 A I don't know, sir.

22 Q You don't know what you pled guilty to in this case?

23 A Yes, sir.

24 Q You pled guilty to money laundering and distribution of
25 drugs; isn't that correct?

Cifuentes Villa - cross - Lichtman

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1 A That's correct, yes, sir.

2 Q In two different cases, correct?

3 A Yes, sir, that's correct.

4 Q Does the ordering of Henry Parra to be killed, is that
5 money laundering or drug distribution, if you know?

6 A No, sir.

7 Q Have you reviewed your cooperation agreement?

8 A Yes, sir.

9 Q And you're not aware that specifically it notes that you
10 won't be prosecuted for ordering the murder of Henry Parra?

11 A But they increased ten points on me.

12 Q Okay. Whatever that means. I'm going to move on to the
13 next question.

14 Your ex-wife -- I'm sorry. Your ex-wife was in a
15 relationship with a man in the mid-1990s?

16 A Yes, sir, that's correct.

17 Q You claim that this man had hit your son?

18 A Yes, sir, that's correct.

19 Q And you claim that this man was a drug trafficker like
20 you?

21 A Yes, sir.

22 Q And you told the Government that gunman came to the house
23 to kill him one time?

24 A Yes, sir, that's correct.

25 Q And it angered you because you believed that he put your

Cifuentes Villa - cross - Lichtman

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1 son in danger, correct?

2 A Yes, sir.

3 Q Tell us, how was he to prevent your son from being
4 present when gunmen came to kill him?

5 A He was -- he could not.

6 Q But you held him responsible regardless, correct?

7 A Yes, sir.

8 Q And you asked your brother Fernando, your older brother,
9 Fernando, to kill him, correct?

10 A Yes, sir.

11 Q The brother that you had no control over, correct?

12 A Yes, sir.

13 Q You have a little bit of control when you needed somebody
14 killed, correct?

15 A Yes, sir.

16 Q And do you remember this fellow's name?

17 A I never knew his name.

18 Q It wasn't important to you, was it?

19 MR. FELS: Objection.

20 A No, sir.

21 THE COURT: Too late.

22 BY MR. LICHTMAN:

23 Q The man was killed, correct?

24 A Yes, sir.

25 Q Did you try to speak to him before you killed him?

Cifuentes Villa - cross - Lichtman

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1 A My son Jorge Andres' grandparents told me -- advised me
2 not to go and speak to him because he was too dangerous.

3 Q He was too dangerous; that's why you didn't speak to him?

4 A Yes, sir.

5 Q But he wasn't so dangerous that you couldn't send your
6 brother to shoot him to death, correct?

7 A For my brother to send some hit men to kill him.

8 Q So -- are you done?

9 A I tried first, I attempted with my bodyguards, and the
10 individual almost killed him, so I asked a favor from my
11 brother to send professional people to do it, and they did it.
12 Yes, sir, I am guilty.

13 Q I know you're guilty, but that's not the question. Your
14 bodyguards were not professional?

15 A This gentleman, the hit man, he was more able to.

16 Q I asked you a question. Your bodyguards were not
17 professional?

18 A No, sir.

19 Q Where did you find them? On Craigslist?

20 MR. FELS: Objection.

21 THE COURT: Sustained.

22 BY MR. LICHTMAN:

23 Q You also ordered the murder of a man named Manuel Cepeda
24 in 1993; isn't that true?

25 A That's correct, yes, sir.

Cifuentes Villa - cross - Lichtman

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1 Q He had stolen drugs from you?

2 A Yes, sir.

3 Q But you gave him a second chance, didn't you?

4 A Yes, sir.

5 Q When he stole from you again, though, then you had him
6 killed.

7 A No, sir.

8 Q You didn't have him killed?

9 A Yes, sir.

10 Q Why did you have him killed if you forgave him the first
11 time?

12 A He did not steal from me again.

13 Q So you just had him killed because he didn't steal from
14 you?

15 A No, sir.

16 Q Did you have him killed?

17 A Yes, sir.

18 Q Did you have him killed for stealing drugs from you?

19 A No, sir.

20 Q Why did you have him killed? I'll ask again.

21 THE COURT: You didn't let him finish last time.

22 Let him finish his answer. There's a translation that has to
23 happen.

24 A He took my wife's sister to Guatemala and he kept that
25 from me, and I was being accused of having that girl with me,

Cifuentes Villa - cross - Lichtman

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1 and when I asked him, he denied it, and I became angry when I
2 found out that that was, in fact, the case, and I made the big
3 mistake of sending people to kill him. That is true; I killed
4 him.

5 Q This was an important thing, the ordering of the murder
6 of a man; wouldn't you agree?

7 A Yes, sir.

8 Q And you discussed this with the Government, correct?

9 A Yes, sir, that's correct.

10 Q Are you aware that all of those details that you just
11 provided for the reasoning as to why you killed Manuel Cepeda,
12 you never told the Government before, did you?

13 A I did tell the Government.

14 Q You're sure you told the Government? Or maybe this time.

15 A Completely sure, sir.

16 Q A hundred percent sure.

17 Now, you murdered the -- excuse me. Do you know of
18 a Juan de Dios de Dios?

19 A Juan de Dios Rodriguez.

20 Q I'm just going to call him Juan de Dios, if that's okay.

21 A Fine, sir.

22 Q He was an employee of yours in 1995?

23 A Yes, sir.

24 Q He was in charge of a warehouse in Mexico which stored
25 cocaine that was destined for the United States, correct?

Cifuentes Villa - cross - Lichtman

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1 A That's correct, yes, sir.

2 Q And he was important to you, A, because he was in charge
3 of that warehouse; and B, because you used him as the face of
4 your organization in Mexico, correct?

5 A That's correct, yes, sir.

6 Q You didn't want anyone to know that you were actually the
7 person in charge of that operation in Mexico, correct?

8 A That's correct, yes, sir.

9 Q So that he would be out in the open with some risk --

10 A Yes, sir.

11 Q -- and you could hide and no one would know and you had
12 no risk, correct?

13 A That's correct, yes, sir.

14 Q And at this time, you had a corrupt relationship with a
15 Mexican attorney general named Morales Lesuca (sic) --
16 Lechuga?

17 A Lechuga.

18 Q You had a corrupt relationship with him?

19 A Yes, sir, that's right.

20 Q And you had bribed him.

21 A Yes, sir, that's right.

22 Q And he gave you police protection so you could deal your
23 drugs safely.

24 A Yes, sir, that's correct.

25 Q Back to Juan de Dios.

Cifuentes Villa - cross - Lichtman

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1 He stole cocaine from you?

2 A Yes, sir, that's right.

3 Q And you wanted to have him killed for that, correct?

4 A No, sir.

5 Q Were you angry at him?

6 A No, sir.

7 Q You weren't angry that he stole drugs from you?

8 A No, sir.

9 Q Were you happy that he stole drugs from you?

10 A Not that either, sir.

11 Q But before you could do anything about it, he was
12 arrested and extradited to Colombia on unrelated charges?

13 A I don't understand what you are talking about.

14 Q He was sent to Colombia after being arrested, correct?
15 He was extradited?

16 A I will tell you again your notes are mistaken. You are
17 speaking now about a different person.

18 Q You didn't tell the Government that he was sent to
19 Colombia?

20 A No. He was never arrested and he was never sent
21 anywhere.

22 Q I have a question: The notes that you're saying that I'm
23 referring to, what notes do you think they are?

24 MR. FELS: Objection, Your Honor.

25 THE COURT: Overruled.

Cifuentes Villa - cross - Lichtman

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1 A I don't have any idea, sir, where you get your little
2 pieces of paper from.

3 Q What little pieces of paper can you see that I have here?

4 A I don't, sir.

5 Q You're guessing, correct, that I have little pieces of
6 paper here?

7 A No, sir.

8 Q You're not guessing. So you know that I have little
9 pieces of paper up here.

10 A Yes, sir.

11 Q They're notes of your debriefings, aren't they?

12 A Oh, in that case, they have some mistakes in them. Can I
13 clear this case for you?

14 Q No.

15 A Okay.

16 Q Juan de Dios, he ended up dead, didn't he?

17 A That's correct, yes, sir.

18 Q Do you find it a coincidence that someone who stole drugs
19 from you ended up dead?

20 A Can you repeat the question, please?

21 Q Do you find it to be a coincidence that someone who stole
22 drugs from you ended up not alive?

23 A No, sir.

24 Q Did he slip and break his neck by mistake?

25 A He was murdered, sir.

Cifuentes Villa - cross - Lichtman

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1 Q He was murdered by one of your people?

2 A Yes, sir, that's correct.

3 Q And you felt bad about it because you had promised to
4 Dios's father that you would take care of him.

5 A That's correct, yes, sir.

6 Q Did you ever confront him about stealing your drugs?

7 A Yes, sir.

8 Q Did you give him a stern talking-to?

9 A Yes, sir, that's right.

10 Q And he ended up dead, and you had nothing to do with it
11 even though your men had killed him.

12 A I feel responsible. That's why I confessed it to the
13 Government, but I did not give the order to kill him.

14 Q Of course you didn't.

15 MR. FELS: Objection, Your Honor.

16 THE COURT: Sustained.

17 BY MR. LICHTMAN:

18 Q There was a fellow named Juan Rodriguez who worked for
19 you?

20 A It is the same person that we have been talking about --
21 Juan de Dios Rodriguez Valladares.

22 Q Juan Rodriguez is Flaco.

23 A Yes, sir, that's correct.

24 Q And you had a major dispute with him about him stealing
25 the cocaine, then, correct?

Cifuentes Villa - cross - Lichtman

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1 A Yes, sir, that's correct.

2 Q And didn't you tell the Government that Flaco had Mexican
3 federal police on his payroll?

4 A Yes, sir. Seventy federal officers.

5 Q He had 70 federal officers, Mexican federal officers, on
6 his payroll?

7 A Yes, sir, at his order as his service, and I paid the
8 payroll.

9 Q So you paid for his 70 Mexican federales that answered to
10 him?

11 A Yes, sir. The federales did not know that they worked for
12 me.

13 Q He sent those federales to kill you; isn't that true?

14 A That's correct, yes, sir.

15 Q But you turned the tables on Flaco, didn't you?

16 A That's correct.

17 Q You paid those same Mexican federal police \$500,000 to
18 bring Flaco to you, correct?

19 A Yes, sir, that's correct.

20 Q And he turned over -- and he was brought back to you in
21 Monterrey, Mexico?

22 A That's correct, yes, sir.

23 Q And he turned over property to you to make up for the
24 cocaine that he stole from you, correct?

25 A No, sir. That's another small mistake that the notes

Cifuentes Villa - cross - Lichtman

3199

1 have. Can I correct it, or --

2 Q The notes that are based on your debriefings?

3 MR. FELS: Objection, Your Honor.

4 THE COURT: Sustained.

5 BY MR. LICHTMAN:

6 Q You didn't order him killed, you claim.

7 A No, sir. We organized our accounting and I owed money to
8 him. The properties that he turned over to me were the
9 warehouses and the things that he was in charge of.

10 Q One of your brother's men named Lulu stabbed him to
11 death, didn't he?

12 A Yes, sir, that's correct, and besides two more people
13 that were with him.

14 Q So three people got stabbed to death?

15 A No. Three people stabbed Juan de Dios Rodriguez.

16 Q Three people that worked for Fernando, your brother, who
17 you had no control over?

18 A These people were working for me at this time.

19 Q They weren't working for Fernando?

20 A They were workers for Fernando.

21 Q And you felt bad about this because you promised his
22 father -- Flaco's father -- on his death bed that you would
23 take care of Flaco, correct?

24 A That's correct, yes, sir.

25 Q Does the murder of Flaco still weigh heavily on your

Cifuentes Villa - cross - Lichtman

3200

1 conscience today?

2 A And every murder that I have committed, too, yes, sir.

3 Q Do you recall that in 2010 you had a colonel in the
4 Colombian National Police who provided security for you?

5 A Yes, sir. That's correct.

6 Q And you used officers from that man's unit to provide
7 security for you, correct?

8 A Yes, sir, that's correct.

9 Q And that colonel in the Colombia National Police also had
10 an armored car, one of the official armored cars used for your
11 security?

12 A No, sir. The car was mine.

13 Q The car was yours?

14 A Yes, sir, that's correct.

15 Q Can I refresh your recollection that you told the
16 Government that it was an armored car from the national police
17 that was used for your security?

18 MR. FELS: Objection, Your Honor.

19 THE COURT: Sustained.

20 BY MR. LICHTMAN:

21 Q This colonel, the Colombian National Police, he
22 introduced you to an officer in the Colombian Air Force,
23 correct?

24 A That's correct, yes, sir.

25 Q And this Colombian Air Force officer offered to fly you

Cifuentes Villa - cross - Lichtman

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1 on Air Force helicopters from Bogota to Villavicencio?

2 A No, sir. I can clear it up if you would like.

3 Q Did you bribe him?

4 A No, sir.

5 Q Was it because you got arrested before you could bribe
6 him?

7 A No, sir. This was a topic that was related to mining.

8 Q Did you bribe the Colombian Air Force officer?

9 A No, sir.

10 Q Did you pay him any money?

11 A No, sir.

12 Q Did he offer to fly you on Air Force helicopters in
13 relation to your mining business?

14 A I proposed to him that in order to transport the coal can
15 from the Amazon jungle to the city, but it was a service that
16 he provided, a legal service.

17 Q So you're saying that a Air Force officer was permitted
18 to use Air Force helicopters to help you in your legitimate
19 business?

20 A In Colombia, this is normal because the area is full of
21 guerillas.

22 Q So you are saying that it's legal for a Colombian Air
23 Force official to use official Colombian Air Force helicopters
24 to help you in what you claim is a legitimate business?

25 A Yes, sir. The contract is made with the Colombian

Cifuentes Villa - cross - Lichtman

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1 Government, and the Colombian Air Force provides the service.

2 Q Was this mining business fueled by drug proceeds?

3 A No, sir.

4 Q Completely legitimate business?

5 A The mining one, yes. It was mining with indigenous
6 people, but all of my money is from drug trafficking.

7 Q So the money that you used to start up your mining
8 business came from drug trafficking, correct?

9 A Yes, sir, that's correct.

10 Q And that mining business ended up on the OFAC list, if
11 you recall?

12 A Yes, sir, that's correct.

13 Q And it was seized by the Colombian Government, wasn't it?

14 A Yes, sir, that's correct.

15 Q So can we agree that it was not a legitimate business?

16 A I don't know, sir.

17 Q So you think that maybe the Colombian Government made a
18 mistake when they acted under OFAC to take that business from
19 you?

20 A No. No, sir.

21 Q They didn't make a mistake?

22 A No, sir.

23 Q Do you recall in 2008 you were negotiating with someone
24 who you thought was a high-ranking airport commander in
25 Ecuador, correct?

Cifuentes Villa - cross - Lichtman

3203

1 A Yes, sir, that's correct.

2 Q Do you remember the man's name?

3 A No, sir.

4 Q Was it Joselito Peralta?

5 A Yes, sir, that's correct.

6 Q And you were negotiating with this man to reach a deal to
7 allow you to use the Ecuador airport to safely move your
8 cocaine in and out of that airport, correct?

9 A Yes, sir, that's correct.

10 Q Was that legal at the time in Ecuador?

11 A No, sir.

12 Q And you were introduced to this airport official by
13 someone you knew as El Paisano?

14 A Yes, sir, that's correct.

15 Q Do you know El Paisano's real name?

16 A No, sir.

17 Q Now, you came to learn that, in fact, you were being
18 defrauded by this supposed Ecuadorian airport official,
19 correct?

20 A Yes, sir, that's correct.

21 Q He was not who he claimed to be, correct?

22 A Correct.

23 Q So you sent a picture of this man's mug shot to
24 El Paisano?

25 A No, sir.

Cifuentes Villa - cross - Lichtman

3204

1 Q You didn't send a picture with the man's criminal case
2 number on it and documents with his arrest charge to help
3 El Paisano?

4 A It was shown to him on the screen -- on the computer
5 screen with his inmate name -- number. The guy who supposedly
6 was a colonel in -- at Quito Airport.

7 Q So you sent that picture to El Paisano, correct?

8 A To Milton Martinez who then showed it to Paisano, yes,
9 sir.

10 Q Did you send that picture to Milton Martinez?

11 A Yes, sir, that's correct.

12 Q So, again, long story short, you sent the picture of the
13 man's mug shot to El Paisano through Milton Martinez, correct?

14 A Yes, sir, that's correct.

15 Q And you did it to challenge the man's claim that he was
16 indeed an airport official, correct?

17 A Yes. Yes, sir, that's correct.

18 Q And you know who Raul Jimenez is, correct?

19 A Yes, sir.

20 Q He had a plane in Bogota?

21 A He owned a catering business that provided services at
22 El Dorado Airport in Bogota.

23 Q He had experiences with planes to move drugs, didn't he?

24 A Yes. With Don Joaquin, yes, sir.

25 Q He had a lot of experience with planes to move drugs,

Cifuentes Villa - cross - Lichtman

3205

1 correct? I'll ask that again.

2 A Yes, sir, that's correct.

3 Q Tell me something --

4 THE COURT: Wait. Wait. Okay. Now go.

5 BY MR. LICHTMAN:

6 Q When I ask you a question, a "yes" or "no" question, do
7 you think it helps your cause to throw in Joaquin Guzman's
8 name at the end when I ask you a "yes" or "no" question?

9 MR. FELS: Objection.

10 THE COURT: Sustained. Sustained.

11 Don't answer.

12 BY MR. LICHTMAN:

13 Q Now, Raul Jiminez also had DEA connections who gave him
14 information, correct?

15 A Yes, sir, that's correct.

16 Q Which you used as well.

17 A No, sir.

18 Q You didn't use any of his DEA information?

19 A The mug shot of the guy -- of the guy from the airport,
20 yes, sir. Raul Jiminez told me that that was given to him by
21 DEA. I don't know whether that is true or not.

22 Q So, again, you used his DEA connections, correct?

23 A No, sir.

24 Q Did you use the mug shot that Jiminez claimed he got from
25 the DEA?

Cifuentes Villa - cross - Lichtman

3206

1 A Yes, sir.

2 Q So I will ask you for the third time. Did you, in fact,
3 use his DEA connections?

4 MR. FELS: Objection. Asked and answered.

5 THE COURT: You may answer.

6 A No, sir.

7 Q Did you take the -- I will move on because we'll be here
8 all day.

9 El Paisano received a mug shot, if you know?

10 A He saw it on the screen, sir.

11 Q He saw it because Milton Martinez showed it to him?

12 A Yes, sir, that's correct.

13 Q And Martinez was loyal to you?

14 A Yes, sir, that's correct.

15 Q And he, in fact, introduced you to the mother of one of
16 your children?

17 A No, sir.

18 Q You're sure about that?

19 A I am, sir.

20 Q You didn't tell the Government that?

21 A No, sir.

22 Q As a result of you sending the picture of the airport
23 fraudster, if I can call him that, El Paisano killed him,
24 correct?

25 A Yes, sir, El Paisano killed him.

Cifuentes Villa - cross - Lichtman

3207

1 Q And El Paisano took a video of the killing, correct?

2 A He tortured him, yes, sir. And he was on audio
3 recording, not a video.

4 Q Did he send it to you?

5 A Yes, sir, that's correct.

6 Q Did you listen to it?

7 A Yes, sir.

8 Q And you were responsible for that murder, weren't you?

9 A No, sir.

10 Q You don't consider yourself responsible?

11 A No, because --

12 Q Sir, this is a "yes" or "no" question.

13 Did you feel responsible for the fact --

14 MR. FELS: Objection.

15 THE COURT: Overruled.

16 Q -- that El Paisano killed this fake airport official
17 because you had sent a mug shot of him to El Paisano?

18 A No, sir.

19 Q Now, Milton Martinez described to you the reaction on
20 El Paisano's face when he saw the mug shot of the supposed
21 Ecuadorian airport official, correct?

22 A Yes, sir, that's correct.

23 Q And you learned that he had the look of a guilty man,
24 correct?

25 A Yes, sir, that's correct.

Cifuentes Villa - cross - Lichtman

3208

1 Q So you ordered the killing of El Paisano, correct?

2 A Yes, sir, that's correct.

3 THE COURT: All right. Let's have a sidebar,
4 please.

5 (Sidebar.)

6 (Continued on next page.)

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Sidebar

3209

1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 THE COURT: I'm not getting what any of this has to
4 do with the witness's character for truthfulness.

5 MR. LICHTMAN: Well, what I would say is that it was
6 a very carefully thought out and crafted plan to have, A,
7 which ultimately led to the death of the airport fraudster and
8 B, the murder of El Paisano; and I'm going to describe how he
9 tricked him into killing him, and that shows his ability to
10 use guile to get what he wants.

11 THE COURT: But he's denied that he's the cause, so
12 how are you going to --

13 MR. LICHTMAN: He didn't deny that he's the cause of
14 killing El Paisano, which I'm going to get into right now. He
15 had just admitted that he's responsible for it.

16 THE COURT: I will give you a little leeway, but it
17 seems to me we're dealing 99 percent with what a bad guy he is
18 and one percent with what an untruthful guy he is, and it's
19 supposed to be the other way around.

20 MR. LICHTMAN: Well, I think what I'm trying to do
21 is show that he is willing to go to really great lengths with
22 much trickery in order to have people killed that he needs
23 killed, and the trickery --

24 THE COURT: What should the jury infer from that?

25 MR. LICHTMAN: That he is willing to do -- use

Sidebar

3210

1 guile, trickery, and lies in order to get what he wants.

2 THE COURT: Okay. I will give you leeway on that,
3 because that's perfectly legitimate. I'm just not sure these
4 questions are going there, but keep trying.

5 MR. LICHTMAN: Thank you, Judge.

6 (Sidebar ends.)

7 (Continued on next page.)

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Cifuentes Villa - cross - Lichtman

3211

1 (In open court.)

2 MR. LICHTMAN: May I, Judge?

3 THE COURT: Please.

4 BY MR. LICHTMAN:

5 Q Before we took that sidebar, you had stated that you had
6 ordered the killing of El Paisano.

7 A Yes, sir, that's correct.

8 Q And you had to use some trickery in order to kill
9 El Paisano, correct?

10 A Yes, sir.

11 Q Because in your mind, you believe that he knew he was in
12 trouble for putting you together with the fake airport
13 official, correct?

14 A Because of the money he had stolen, yes, sir.

15 Q The money that was being paid to the fake Ecuadorian
16 airport official?

17 A Yes, sir, that's correct.

18 Q And you decided that El Paisano needed to be killed.

19 A Yes, sir.

20 Q Because he was a seasoned, drug-dealing criminal,
21 El Paisano; would you agree?

22 A I don't know, sir.

23 Q Did El Paisano work for you?

24 A Yes, sir.

25 Q And you didn't know if he was a seasoned drug dealer?

Cifuentes Villa - cross - Lichtman

3212

1 A No, sir. When you say "seasoned," I don't understand the
2 analogy.

3 Q Experienced.

4 A No, sir.

5 Q He was not experienced?

6 A No. He was a thief.

7 Q Was he also a drug dealer?

8 A He was a thief; he stole drugs.

9 Q Sir, I just simply asked whether he was a drug dealer.
10 Yes or no.

11 A No. He was a thief.

12 Q Did he work for you?

13 A Yes, sir.

14 Q Was his official job title thief in your organization, or
15 did he help you deal drugs?

16 A Neither, sir. He was in charge of the warehouse when the
17 cocaine arrived, and the warehouse was under his name, and
18 there was 600 kilos of cocaine in that warehouse.

19 Q Okay. I can -- can I ask the questions now?

20 A Please. Please, yes, sir.

21 Q So he worked for you in charge of a warehouse that stored
22 cocaine, correct?

23 A Yes, sir, that's correct.

24 (Continued on the following page.)

25

Cifuentes - cross - Lichtman

3213

1 CROSS-EXAMINATION

2 BY MR. LICHTMAN: (Continued)

3 Q Cocaine that was destined to go to the United States
4 ultimately?

5 A Don Joaquin's cocaine which arrived in the United States,
6 yes, sir.

7 Q Again, you just threw Don Joaquin's name in there because
8 you think it helps you, correct?

9 MR. FELS: Objection.

10 THE COURT: Sustained. Sustained.

11 BY MR. LICHTMAN:

12 Q We're talking about the murder of El Paisano, correct?

13 A Yes, sir.

14 Q Did he kill El Paisano or did you kill El Paisano?

15 A I did, sir.

16 Q So he had nothing to do with it?

17 A To protect his cocaine.

18 Q So he protected cocaine when you claim he was not a drug
19 trafficker, correct?

20 Withdrawn. I'm going to move on.

21 MR. FELS: Your Honor, I think we should have his
22 answer.

23 THE COURT: No, he asked him a yes or no question,
24 he didn't get a yes or no, but I agree you're not going to, so
25 move on.

Cifuentes - cross - Lichtman

3214

1 BY MR. LICHTMAN:

2 Q The warehouse -- you lured him to come to this warehouse
3 that was in his name?

4 A Yes, sir, that's correct.

5 Q You owned the warehouse, didn't you?

6 A No, sir, it was rented.

7 Q Did you have it put in his name to protect you?

8 A Yes, of course.

9 Q And you believe that El Paisano thought that you wanted
10 to kill him as you testified to a few moments ago.

11 A That's correct, yes, yes, sir.

12 Q But you were convincing when you lured him to that
13 warehouse, didn't you?

14 A Yes, sir, I told him that Don Joaquin's cocaine was about
15 to arrive there.

16 Q You lied to him, didn't you?

17 A Yes, sir, I did, I tricked him.

18 Q Again, Don Joaquin was not involved in this murder, it
19 was just Don Jorge, correct?

20 A And Don Gilberto Garcia, who was who actually killed him.

21 Q You were also known as Don Simon, weren't you?

22 A Yes, sir, that's correct.

23 Q And that's a sign of respect "Don" before your name,
24 correct?

25 A Yes, yes, sir, that's correct.

Cifuentes - cross - Lichtman

3215

1 Q By the way, when El Paisano arrived at the warehouse, he
2 was killed, correct?

3 A Yes, sir, that's correct.

4 Q On your order, correct?

5 A That's correct, yes, sir.

6 Q And as you said the nickname you gave yourself was Simon
7 from the TV show *The Saint*?

8 A Yes, sir, that's correct.

9 Q And *The Saint's* real name in the show was Simon Templar,
10 correct?

11 A Yes, sir, correct.

12 Q And as you testified last week, he was *The Saint*, the
13 good one, correct?

14 A Yes, sir.

15 Q Just like you, the good one?

16 A I gave myself that name, yes, sir.

17 Q The good one?

18 A I am guilty.

19 Q I didn't ask you whether you were guilty, I asked you
20 whether you were the good one?

21 THE COURT: Mr. Lichtman, please, a little softer.

22 MR. LICHTMAN: Thank you, Judge. It's the
23 microphone's fault.

24 THE COURT: No, it's not.

25 MR. LICHTMAN: It's not this microphone's fault, no?

Cifuentes - cross - Lichtman

3216

1 Q You're not the good one, are you?

2 A No, sir, I'm not.

3 Q You were arrested in Colombia at one point?

4 A Yes, sir.

5 Q And when you -- do you remember when that was?

6 A Well, the first time in 1984. I don't know to what day
7 you're referring to.

8 Q Do you recall after you were arrested -- excuse me. You
9 were arrested in Colombia under the name Juan Mahecha?

10 A You have another little mistake there in the documents.
11 I was arrested in Venezuela. I was extradited to Colombia --
12 I was expelled from Venezuela to Colombia on November 14th,
13 2012 when I was at Picalena Prison for six months.

14 Q If I -- can I ask a question now?

15 A Yes, sir.

16 Q You were arrested under a fake name, weren't you?

17 A I'm explaining --

18 Q I just asked you --

19 A -- I'm explaining what happened to you. No, sir, with my
20 name.

21 Q Sir, sir, this is a yes or no question. When you were
22 arrested, you were arrested under a phony name, weren't you?

23 A No, sir.

24 Q What name were you arrested under?

25 A Jorge Milton Cifuentes Villa.

Cifuentes - cross - Lichtman

3217

1 Q Who is Juan Jairo Mahecha?

2 A Jhon Jairo Mahecha Bustos.

3 Q Who is that?

4 A It's the name that I gave myself at the civil registry
5 when I deleted my fingerprints 20 years prior.

6 Q At the time of your arrest in Colombia were you using the
7 alias Juan Mahecha?

8 A No, sir, Mahecha, no, sir.

9 Q Six months after you were arrested was a notice delivered
10 to your jail?

11 A Yes, sir, that's correct.

12 Q And the note said that you were not Jorge Cifuentes but
13 you were in fact Juan Jairo Bustos, correct?

14 A Jhon Jairo Mahecha Bustos, yes, sir, that's correct.

15 Q That's what the message said, that you were not Cifuentes
16 that you were in fact Juan Jairo Bustos?

17 A That I was Jhon Jairo Mahecha Bustos.

18 Q This Mahecha Bustos was an alias that you had used
19 approximately 15 years earlier when you purchased a false
20 identity?

21 A That's correct, I only used it once.

22 Q Well, you used it once because that passport was seized
23 at the airport in Medellin soon after you obtained those
24 documents?

25 A No, sir. The ID, the national ID was not good.

Cifuentes - cross - Lichtman

3218

1 Q It was no good?

2 A No, they said it was false.

3 Q Who said it was false, at the airport, correct?

4 A The desk officer, he said this is false.

5 Q And it was seized, correct?

6 A No, sir, I paid him a million pesos, which is about \$500,
7 and he returned it to me. And he told me he was going to
8 watch out for me when I came back so that I was not stopped.

9 Q The man at the airport?

10 A Yes, sir. The agent for DAS, the Department for
11 Administration and Security.

12 Q So you had bought a fake identity from a man from DAS?

13 A No, sir.

14 Q Anyway, you had sent a copy of this notice that you
15 received in jail to your lawyer?

16 A Yes, sir.

17 Q And then another lawyer visited you in jail and had you
18 sign a piece of paper asking for habeas corpus?

19 A Yes, sir, that's correct.

20 Q And you signed it with the name Juan Jairo Mahecha?

21 A Jhon Jairo Mahecha Bustos, yes, sir, I signed.

22 Q That was a lie, correct?

23 A That's correct, yes, sir.

24 Q Another fraud that you actually implemented through your
25 attorney, correct?

Cifuentes - cross - Lichtman

3219

1 A Yes, sir, that's correct.

2 Q Now you had an idea to launder \$500 million through a
3 phony set of companies that would purchased oil futures?

4 A That's correct, yes, sir.

5 Q And the companies had to do with oil futures, correct?

6 A Yes, sales, future sales, yes.

7 Q And that's what the idea was to sell futures, oil futures
8 relating to the companies' use of oil, correct?

9 A Yes, sir, that's correct.

10 Q And the United Nations needed to approve this plan and a
11 five-year review, correct?

12 A Yes, sir.

13 Q But it was never completed, correct?

14 A No, sir, I went to jail.

15 Q It was never completed, correct, sir?

16 A No, sir.

17 Q You had attorneys in California?

18 A Directly with some lawyers in Panama.

19 Q You also engaged lawyers in California?

20 A Yes, sir, that's correct.

21 Q Do you remember any of their names?

22 MR. FELS: Objection, Your Honor, relevance.

23 THE COURT: Sustained.

24 Q The attorneys in California would take care of the oil
25 futures, correct?

Cifuentes - cross - Lichtman

3220

1 A Of the contracts, yes, sir.

2 Q And the idea was that these transactions would generate
3 commissions?

4 A That's correct, yes, sir.

5 Q Which would show up as profits?

6 A That's correct, yes, sir.

7 Q And then you would sell these profits and launder your
8 drug proceeds, correct?

9 A No, sir, that's not the way it works.

10 Q Was there money laundering that you were hoping to do
11 through this company?

12 A Yes, sir, that's correct.

13 Q And you told the government that you used a top
14 California law firm, correct?

15 A Yes, sir.

16 Q And according to you, these were the most significant
17 Jewish lawyers in California?

18 MR. FELS: Objection, Your Honor.

19 THE COURT: Sustained.

20 All right, Mr. Lichtman, at a convenient time we'd
21 like to take a morning break.

22 MR. LICHTMAN: Thank you, Judge, a couple of more --

23 THE COURT: Is that good or do you want some more
24 time?

25 MR. LICHTMAN: Probably two more -- you mean before

Cifuentes - cross - Lichtman

3221

1 the break?

2 THE COURT: We really can't wait at all, I'm afraid
3 we have to break now.

4 MR. LICHTMAN: Oh, I'm sorry. Okay.

5 THE COURT: Don't talk about the case, ladies and
6 gentlemen. See you in a minute.

7 (Recess.)

8 THE COURT: Let's come back at 11 o'clock.

9 (Recess.)

10 THE COURTROOM DEPUTY: All rise.

11 THE COURT: All right, let's have the jury back in
12 please. Do we have the defendant? Yes.

13 Mr. Lichtman, sorry about that, I didn't mean to
14 abruptly cut off your examination --

15 MR. LICHTMAN: That's fine.

16 THE COURT: -- but we had a real emergency.

17 MR. LICHTMAN: I'm sorry I didn't know that.

18 (Jury enters courtroom.)

19 THE COURT: All right, everyone be seated.

20 Please continue, Mr. Lichtman.

21 MR. LICHTMAN: Thank you, Judge.

22 BY MR. LICHTMAN:

23 Q Mr. Cifuentes, when we took our break we were discussing
24 your 500 million-dollar climate change fund.

25 A Yes, sir.

Cifuentes - cross - Lichtman

3222

1 Q Now you fooled everyone into thinking that you actually
2 had the \$500 million for the company, correct?

3 A Yes, sir.

4 Q You were, in fact, the only one who knew that the
5 \$500 million did not exist, correct?

6 A Yes, sir.

7 Q And as you had testified to before, you had engaged law
8 firms in Panama and California in connection with this fund?

9 A Yes, sir, that's correct.

10 Q And you had convinced the lawyers from both of these
11 firms that you actually had the money?

12 A Yes, sir, that's correct.

13 Q And you told these lawyers that you had the money under
14 your desk?

15 A Yes, sir, that's correct.

16 Q And that was a lie, correct?

17 A Yes, sir, that's correct.

18 Q This was a money laundering scam, wasn't it?

19 A Yes, sir.

20 Q And in your mind it was obvious that the lawyers all knew
21 that this was money laundering, correct?

22 A That's correct, yes, sir.

23 Q Because this had occurred in 2010?

24 A Yes, sir.

25 Q And by 2010, you were a well-known international drug

Cifuentes - cross - Lichtman

3223

1 trafficker, correct?

2 A No, sir, not yet. But I have been a drug trafficker my
3 entire life.

4 Q But you knew that -- in your mind you believed that the
5 lawyers knew that this was money laundering?

6 A We spoke about money laundering, and they asked me where
7 do you have the money --

8 Q Sir, there is no question before you.

9 A -- and they insisted so much that I said, I have it down
10 here under me.

11 THE COURT: All right. Let me tell the witness, if
12 it's possible to answer his question yes or no that you should
13 do that. If you're not comfortable doing that, just tell him
14 you're not comfortable answering that question yes or no.

15 THE WITNESS: Thank you very much.

16 THE COURT: Okay.

17 BY MR. LICHTMAN:

18 Q Now, sir, you claim that you told these California
19 lawyers that this was money laundering?

20 A Yes, sir, that's correct, to the Panama lawyers.

21 Q You don't know the names of these lawyers, do you?

22 A No, sir.

23 Q So you couldn't tell the government the names of the
24 lawyers who were responsible for laundering money, correct?

25 So that's a yes or no question. You couldn't tell

Cifuentes - cross - Lichtman

3224

1 the government the names of the lawyers who were involved in
2 money laundering with you, could you?

3 A Yes, half of them.

4 Q Did you tell -- did you know the names of the California
5 lawyers?

6 A No, sir.

7 Q So you couldn't tell the government their names, correct?

8 A That's correct, yes, sir.

9 Q And yet you claim they openly were willing to launder
10 drug proceeds for you?

11 A Yes, sir.

12 Q Do you find it convenient that you can't tell the
13 government the names of these lawyers that you spoke to
14 numerous times about money laundering?

15 A I never spoke to the California lawyers. I spoke to the
16 Panamanian ones.

17 Q Did you know the name of the lawyers at one point, the
18 California lawyers?

19 A No, sir.

20 Q You told -- didn't, in fact, you tell the government that
21 these lawyers were from Los Angeles and were very high
22 powered?

23 A That's what Rafael told me.

24 Q That they were the most important Jewish lawyers in
25 California?

Cifuentes - cross - Lichtman

3225

1 MR. FELS: Objection, Your Honor.

2 THE COURT: Sustained.

3 BY MR. LICHTMAN:

4 Q Are you planning on using those powerful California
5 lawyers when you get out of jail?

6 A No, sir.

7 Q You claim that you told the government the names of the
8 Panamanian lawyers that were going to help you launder money?

9 A Yes, sir, that's correct.

10 Q You know those lawyers haven't been arrested, don't you?

11 MR. FELS: Objection, Your Honor.

12 THE COURT: Sustained.

13 BY MR. LICHTMAN:

14 Q Now this 500 million-dollar climate change fund, was this
15 the company that you described at the beginning of your direct
16 examination?

17 A Yes, sir.

18 Q This was one of your legitimate businesses that the
19 government asked you about?

20 A Yes, sir, that's correct.

21 Q Between 1993 and 1997, when you were starting, when you
22 were 27 years old, you invested \$5 million of drug proceeds to
23 exploit a mine?

24 A Yes, sir, \$5 million.

25 Q And the main purpose of this was having armed guards from

Cifuentes - cross - Lichtman

3226

1 the mine as your personal security when you were in Boyaca,
2 Colombia?

3 A Yes, sir, that's correct.

4 Q And you were in Boyaca to deal drugs, correct?

5 A No, sir, there's no drugs there.

6 Q The armed guards that you wished to have because of this
7 mining company received concealed carry permits from the
8 Colombian government, correct?

9 A Can you repeat the question, please.

10 Q The armed guards that you -- the armed guards that you
11 needed for this business, received concealed carry permits
12 from the Colombian government, correct?

13 A They did receive a permit to carry arms but not
14 concealed, visible.

15 Q You don't recall telling the government that the armed
16 guards received concealed carry permits from the Colombian
17 government under the pretext that they were guarding the mine?

18 A For the security of the officers at the mine.

19 Q A common practice was to use these mines to launder drug
20 proceeds in Boyaca, correct?

21 A That's correct, sir.

22 Q And emeralds' values are subjective to the person who's
23 actually viewing the emeralds, correct?

24 A Yes, sir, that's correct.

25 Q And a common practice was to pay a minimal amount of

Cifuentes - cross - Lichtman

3227

1 money for the land and then pay off a gemologist to certify
2 that the land had the potential to yield gems?

3 A That's correct, yes, sir.

4 Q So you bribed a certified gemologist to claim that the
5 land had potential to yield gems if in fact it was exploited?

6 A No, sir.

7 Q You didn't tell the government that a common practice --
8 excuse me. You didn't tell the government that you bribed a
9 certified gemologist to claim that the land had potential to
10 yield gems if the land was mined?

11 A No, sir.

12 Q Are you sure or are you not sure?

13 MR. FELS: Objection, Your Honor. May we have a
14 sidebar, please.

15 THE COURT: No sidebar. The objection is sustained.

16 BY MR. LICHTMAN:

17 Q Emeralds are frequently treated with palm oil to hide
18 imperfections and raise their value, correct?

19 A That's part of the system of how the emerald business
20 works.

21 Q You recall telling the government that even if the mine
22 produces no emeralds, stolen emeralds can be purchased on the
23 black market and exported for more than their value?

24 A No, sir.

25 Q Do you recall telling the government that drug proceeds

Cifuentes - cross - Lichtman

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1 can then be wired back to Boyaca without law enforcement
2 noticing?

3 A I don't understand. I don't know what you're talking
4 about.

5 Q Do you recall telling the government that drug proceeds
6 can be wired back to Boyaca without law enforcement noticing?

7 A It's possible.

8 Q Do you recall telling --

9 A I mean --

10 Q -- the government that you attempted to launder drug
11 proceeds through the export of emeralds from the mine but were
12 unsuccessful?

13 A No, sir.

14 Q You didn't tell the government that, you're certain?

15 A It is another misinterpretation, sir. May I explain?

16 Q No.

17 A Okay.

18 Q This was your legitimate mine business?

19 A No, it wasn't mine.

20 Q Were you involved in it?

21 A I invested \$5 million, yes, sir.

22 Q So it wasn't yours even though you invested \$5 million in
23 it?

24 A That's how emeralds work. May I explain --

25 Q So you had no ownership at all in this?

Cifuentes - cross - Lichtman

3229

1 A No, not at all.

2 Q The \$5 million that you invested in it that apparently
3 wasn't yours, was that drug proceeds?

4 A Yes, sir. That's correct.

5 Q In fact, you told the government once that everything
6 I've breathed and eaten in my life is from drug trafficking?

7 A Yes, sir, that's correct.

8 Q In July of 2010, you received a visit from a lawyer who
9 claimed that your name had been circulated in United States
10 law enforcement circles, correct?

11 A Yes, sir, that's correct.

12 Q Do you remember the lawyer's name?

13 MR. FELS: Objection.

14 A Yes, sir.

15 THE COURT: Sustained.

16 Q Was his name Hugo Mayo?

17 MR. FELS: Objection, Your Honor.

18 THE COURT: Sustained.

19 BY MR. LICHTMAN:

20 Q You recall this meeting though, correct?

21 A Yes, sir.

22 Q And this lawyer offered to go to Washington to clear you,
23 correct?

24 A No, sir.

25 Q What did he offer you?

Cifuentes - cross - Lichtman

3230

1 A I offered to come to Washington to clear up what was
2 going on in the case.

3 Q You offered to come -- was this lawyer American?

4 A No, sir.

5 Q So you're telling the jury that you offered to come to
6 Washington to meet with federal law enforcement in America?

7 A I'm saying that that's what I said to the lawyer.

8 Q You said to the lawyer that you were an honest
9 businessman, correct?

10 A Yes, sir, that's correct.

11 Q So when you told the lawyer that you're willing to go to
12 Washington, that was a lie, correct?

13 A Of course it was, yes, sir.

14 Q And the lawyer informed you that you had been mentioned
15 in relation to weapons, correct?

16 A That's correct, yes, sir.

17 Q You also lied and said that wasn't true, correct?

18 A That's correct, yes, sir.

19 Q But you knew what he was referring to when he mentioned
20 your involvement in weapons, didn't you?

21 A Perfectly well, yes.

22 Q He was referring to the 5,000 guns you had given to the
23 Colombian terrorist group the AUC?

24 A That's correct, yes, sir.

25 Q And the AUC was involved in kidnapping and murders?

Cifuentes - cross - Lichtman

3231

1 A That's correct, yes, sir.

2 Q And drug dealing too?

3 A Yes, sir, that's correct.

4 Q And you gave them, not sold them, 5,000 guns as well as
5 rocket launchers and machine guns?

6 A Yes, sir, that's correct.

7 Q And 5 million bullets?

8 A Yes, sir, that's correct.

9 Q All for free, correct?

10 A Yes, sir, that's correct.

11 Q And you testified on direct that you gave the AUC weapons
12 because their enemy, the paramilitary group the FARC, had
13 tried to kill your mother and kidnap your father?

14 A The guerrilla group, yes, that's correct.

15 Q The guerrilla group? What did I call it?

16 A You said paramilitary group. And the FARC are the
17 guerilla group and the AUC are a paramilitary group.

18 Q So there's a difference between paramilitary and
19 guerrilla groups and terrorists?

20 A No, sir, not to me.

21 Q There is no difference, correct?

22 A No, sir, they are as equally terrorists, as equally
23 killers, and equally traffickers of drugs.

24 Q So when I described them as paramilitary, why did you
25 correct me and tell me that they were guerrillas?

Cifuentes - cross - Lichtman

3232

1 A Because you have mistakes in your notes and I wanted to
2 contribute something to you, but I apologize I won't do it
3 again.

4 Q You're contributing plenty, it's okay.

5 You wanted to --

6 A Thank you.

7 Q -- help the AUC, which was the question, in their fight
8 against the FARC because the FARC tried to kill your mother
9 and kidnap your father, yes or no?

10 A That's correct, yes, sir.

11 Q So you took what you considered to be a moral stand
12 there?

13 A I don't understand that question.

14 Q You thought you were doing the right thing by helping the
15 AUC fight the FARC because the FARC had tried to hurt your
16 parents.

17 A Yes, sir, that's correct.

18 Q You felt that was morally right, correct?

19 A No, sir.

20 Q You thought it was morally wrong?

21 A I continue thinking that it is morally wrong.

22 Q But you did it anyway?

23 A Yes, sir, I did.

24 Q You had Simon Yelenick approach the AUC in order to
25 assist them with supplying weapons?

Cifuentes - cross - Lichtman

3233

1 A I did that directly myself with him.

2 Q With Yelenick, correct?

3 A Yes, Simon Yelenick, yes, sir, that's correct.

4 Q And Yelenick was the criminal partner of yours?

5 A Yes, sir, he used to help us also with bringing down the
6 money from Don Joaquin for the purchase of the cocaine.

7 Q Did I mention Don Joaquin in that question, or did you
8 just throw that in for extra?

9 MR. FELS: Objection.

10 THE COURT: Sustained.

11 BY MR. LICHTMAN:

12 Q Tell me something, did you pay a Panamanian judge
13 \$1.2 million to get Yelenick released when he was arrested on
14 drug charges in 2002 or 2003?

15 A Yes, sir, that's correct.

16 Q Was that with Don Joaquin as well?

17 A No, sir, that was not with Don Joaquin.

18 Q He wasn't involved in that?

19 A No, sir, he was not.

20 Q You don't want to add him to that?

21 A No, sir, that would be lying.

22 Q So you bribed a judge with \$1.2 million to get somebody
23 out of legal jeopardy?

24 A That's correct, yes, sir.

25 Q And you testified on direct that you actually purchased

Cifuentes - cross - Lichtman

3234

1 5,000 guns and 5 million bullets and you gifted them to the
2 AUC in order to get back at the FARC for what they did to your
3 parents?

4 A That's correct, yes, sir.

5 Q You hated the FARC, didn't you?

6 A Yes, sir.

7 Q Yet you managed to buy drugs from middlemen who purchased
8 drugs from the FARC?

9 A Yes, sir.

10 Q Maybe you didn't hate the FARC as much as you thought you
11 did?

12 A There was no way of acquiring cocaine from somewhere else
13 because they controlled the area.

14 Q And acquiring cocaine was all that mattered to you?

15 A Yes, sir.

16 Q And even though the FARC had tried to kill and kidnap
17 your parents, you were willing to put money in their pockets
18 if it could help you deal drugs, correct?

19 A Yes, sir, that's correct.

20 Q A few months after this lawyer visited you and offered to
21 at least discuss your name had been coming up in law
22 enforcement circles -- you can start with that and I'll finish
23 the sentence -- in October of 2010, you testified on direct
24 you were visited by a Colombian Navy intelligence officer,
25 correct?

Cifuentes - cross - Lichtman

3235

1 A Yes, sir.

2 Q And you were debriefed on this incident, what occurred
3 next, numerous times, weren't you?

4 A Yes, sir.

5 Q And your story changed a number of times, didn't it, when
6 you explained this to the government?

7 A No, sir.

8 Q Do you recall being debriefed by the government
9 prosecutors and agents in February of 2017?

10 A I had many debriefings sir, yes.

11 Q Do you recall being debriefed about this story in
12 February of 2017 is what I asked?

13 A Yes, sir.

14 Q And do you recall telling the government that the officer
15 that had visited you was a representative of United States
16 Naval intelligence?

17 A No, sir.

18 (Continued on the next page.)

19

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Cifuentes Villa - Cross - Lichtman

3236

1 BY MR. LICHTMAN (CONTINUED):

2 Q That's a pretty big deal, that the United States Naval
3 intelligence officer would be involved in meeting you about
4 your drug dealing, isn't it?

5 MR. FELS: Objection, Your Honor.

6 THE COURT: Sustained.

7 Q Did you tell the Government in this February 2017
8 debriefing that the officer had contacted your sister,
9 Dolly, first?

10 A That's correct, yes, sir.

11 Q And informed her that the United States was seeking
12 your extradition?

13 A That there was a case in the United States.

14 Q And that they were seeking your extradition?

15 A At that time they did not mention the word
16 "extradition."

17 Q You never told the Government that you learned from
18 this either Colombian or United States Naval officer that
19 the United States was seeking your extradition?

20 A That we had a case in the United States, that's
21 correct, yes, sir.

22 Q And you never learned from Dolly that the United States
23 was seeking your extradition?

24 A There was no extradition yet at the time. The
25 extradition came later.

Cifuentes Villa - Cross - Lichtman

3237

1 Q Sir, that wasn't my question. My question was, did you
2 learn from Dolly that she learned that the United States was
3 requesting your extradition?

4 A There was no extradition at the time -- at the time,
5 no, sir.

6 Q So you're saying you never told the Government, you're
7 100 percent certain you never told the Government that you
8 learned from Dolly who learned from this Naval intelligence
9 officer that the United States had requested your
10 extradition?

11 A Seeking my extradition, yes, sir, that's correct, I did
12 find that out from her. But no extradition had been
13 requested yet at the time.

14 Q So what you said that you learned from Dolly they were
15 seeking your extradition, but that no extradition had been
16 requested at the time?

17 A There was an investigation being conducted by the
18 American Government about our drug trafficking activities.
19 But the extradition was requested in 2011, not in 2010 as
20 you are saying, sir.

21 Q Did you learn from Dolly who learned from the Naval
22 intelligence officer that the United States was seeking your
23 extradition?

24 MR. FELS: Objection, compound.

25 THE COURT: I will let him answer this last

Cifuentes Villa - Cross - Lichtman

3238

1 question.

2 Q So this is a yes-or-no question.

3 A Sir, that the American Government was conducting an
4 investigation about our family and some other people for
5 drug trafficking.

6 Q I'm going to try to ask the question slowly.

7 THE COURT: Mr. Lichtman, I mean, you probably got
8 as much as you are going to get.

9 Q You were away at the time visiting a cocaine processor
10 in Bogota, Columbia, when you learned of this Naval
11 intelligence officer?

12 MR. FELS: Objection. If I could have a word or a
13 phrase?

14 THE COURT: Yes, a word.

15 MR. FELS: Facts not in evidence.

16 THE COURT: I assume there is a good faith basis
17 for the question, I will let him answer.

18 MR. LICHTMAN: There certainly was.

19 Q Can you answer that?

20 A Can you repeat the question?

21 Q You were away at the time visiting a cocaine processor
22 in Bogota when you learned of the existence of this Naval
23 intelligence officer?

24 A Pangara, the guy who checked the cocaine visited Dolly
25 and he brought with him people from naval intelligence.

Cifuentes Villa - Cross - Lichtman

3239

1 Q And you travelled to the Medellin and met with this
2 Naval intelligence officer in Dolly's home?

3 A That is correct, yes, sir.

4 Q And this officer came with a USB drive?

5 THE INTERPRETER: Can you repeat the question for
6 the interpreter?

7 MR. LICHTMAN: Yes.

8 Q This officer came with a USB drive?

9 A Yes, sir, that is right.

10 Q Which he then plugged into a computer?

11 A Yes, my sister Dolly's computer.

12 Q And according to you, he played you audio files of
13 calls between Dolly; your brother, Alex; and Mr. Guzman?

14 A No, sir.

15 Q Did you listen to audio files that he played for you?

16 A Yes, sir.

17 Q What were the audio files of?

18 A A conversation between my sister and I. But there were
19 thousands of files.

20 Q Conversations were between your sister and Dolly?

21 THE COURT: No, he said his sister and I.

22 Q Dolly and you?

23 A That's correct, yes.

24 Q You didn't tell the Government that your brother was
25 also heard on some of these audio files?

Cifuentes Villa - Cross - Lichtman

3240

1 A No, sir.

2 Q So you never heard a call between Dolly and Alex
3 discussing drug dealing?

4 A No, sir.

5 Q You never heard calls between Dolly and Alex discussing
6 heroin and methamphetamine deals behind your back?

7 A There was a newspaper notice which spoke about that,
8 but not that they had spoken one to the other. Within the
9 file there was a file which contained news related to the --
10 that with it to the elicit governments of the family.

11 Q So you're saying that within the file that you
12 provided -- the file was a secret file, top secret?

13 A I don't know. It wasn't USB. I don't know whether
14 there's a difference.

15 Q Well, didn't you think that these were secret
16 government files that you were seeing?

17 A Well, no, because that guy was showing them to me. I
18 don't know.

19 Q So you didn't think he was doing you any favor by
20 showing you secret government evidence that had been
21 collected against you and your family?

22 A Yes, that's what he said. He said he was doing this as
23 a favor.

24 Q Well, did you believe that he was doing you a favor?

25 A Yes, sir.

Cifuentes Villa - Cross - Lichtman

3241

1 Q Did you believe that he was showing you evidence that
2 perhaps you shouldn't have known that existed?

3 A Can you repeat that?

4 Q Didn't you believe that he was showing you evidence
5 that you shouldn't have known had been collected against
6 you?

7 A Yes, sir.

8 Q And you did listen to recorded conversations, correct?

9 A One phone call.

10 Q And it was on an encrypted system, according to you?

11 A No, sir.

12 Q So if you told the Government that you listened to many
13 conversations, that would be a lie?

14 A I saw the files for many recordings, but I didn't
15 listen to them. There was not enough time.

16 Q Did you take notes of what you saw?

17 A Yes, sir.

18 Q Did you see organizational charts about your family's
19 drug dealing and financial assets?

20 A Yes, sir. I did see an organizational chart belonging
21 to where Don Joaquin and I were up at the top and all my
22 family was underneath.

23 Q Don Joaquin was in there as well, correct?

24 A Yes. He's my co-defendant.

25 Q Did I mention, by the way, in my question anything

Cifuentes Villa - Cross - Lichtman

3242

1 about Don Joaquin or was I talking about Don Simon?

2 MR. FELS: Objection.

3 THE COURT: Sustained.

4 Q The materials that you saw, they were very similar to
5 the chart that you saw when you were extradited to America?

6 A Yes, sir.

7 Q And the charts were so accurate that it looked as if
8 you had created them yourself, you told the Government,
9 correct?

10 A Not the charts, the information in the investigation.

11 Q Is exactly what you learned when you came to America
12 after being extradited, correct?

13 A That's correct, yes, sir.

14 Q And you got very scared, didn't you?

15 A I am still scared, yes, sir.

16 Q Did I ask you, were you very scared when this naval
17 officer showed you evidence of your drug dealing?

18 A Yes, sir. Yes.

19 Q And you learned from the presentation that Alex and
20 Dolly had lied to you, correct?

21 A Yes. There was a news article referring to Ephedrine.

22 Q What does a news article dealing with Ephedrine have to
23 do with Dolly and Alex lying to your face?

24 A Because there was some news that there had been a
25 shipment in a plane that had crashed in Santa Cholula,

Cifuentes Villa - Cross - Lichtman

3243

1 Mexico with cocaine and Ephedrine, and I asked Dolly, What
2 do they mean Ephedrine? And she said, Yes, we were sending
3 some.

4 Q Did you ask Alex as well?

5 A Yes, sir.

6 Q They came clean to you and admitted that they were
7 dealing Ephedrine?

8 A Yes. They said that Don Joaquin had asked them to find
9 some types of Ephedrine in Colombia that were used to make a
10 different drug. And Don Joaquin he knows that I didn't like
11 to fuck around with Ephedrine.

12 Q So Don Joaquin knew that you didn't like to fuck around
13 with Ephedrine, is that what you just said?

14 A That's right.

15 Q Tell me something, sir --

16 A And he had my siblings send him Ephedrine.

17 Q Sir, you just said that you didn't like to F around
18 with Ephedrine?

19 A Yes. Later on when I was on the run in Venezuela, I
20 changed my mind.

21 Q So when it was convenient for you, you didn't mind
22 F'ing around with Ephedrine, correct?

23 A I never did.

24 Q You tried to, didn't you?

25 A I tried to find out about the Ephedrine for him.

Cifuentes Villa - Cross - Lichtman

3244

1 Q You tried -- the only reason when you were on the run
2 in Venezuela, you ran to Venezuela after you saw this
3 material on this naval officer's computer?

4 A Can you repeat that, please.

5 Q You ran to Venezuela after you saw this information
6 because you were afraid you were going to be arrested,
7 correct?

8 A Yes, sir, that's correct.

9 Q And you were struggling in Venezuela, correct?

10 A I was starving, yes.

11 Q You were starving?

12 A I was in bad shape.

13 Q You grew a beard to hide yourself, correct, or disguise
14 yourself?

15 A Yes, sir.

16 Q You had fake identification on you, didn't you?

17 A Yes, sir, that's correct.

18 Q And your great moral feeling about being against drug
19 dealing, drug dealing of Ephedrine was overcome, wasn't it?

20 A Yes. Hunger made me change my mind.

21 Q Hunger made you change your morality, didn't it?

22 A Yes, sir, that's correct --

23 Q You claim --

24 A -- I am guilty.

25 Q You claim that you were against the dealing of

Cifuentes Villa - Cross - Lichtman

3245

1 Ephedrine because it was used to make methamphetamines,
2 correct?

3 A That is correct, yes, sir.

4 Q And you felt that young people were getting addicted to
5 this very dangerous drug, correct?

6 A Yes, sir, that's correct.

7 Q And you wanted no part of it because you had morality
8 and didn't want to hurt young people, correct?

9 A That's correct.

10 Q Despite the fact that you had sent thousands of tons of
11 cocaine into America?

12 A 220 tons.

13 Q 220 tons is thousands of kilograms, isn't it?

14 A 220,000 kilos, yes, sir.

15 Q That's hundreds of thousands of kilograms, isn't it?

16 A Yes, that's correct.

17 Q Is cocaine good for young people?

18 A No, sir.

19 THE COURT: Mr. Lichtman, no yelling in the
20 courtroom.

21 Go ahead.

22 Q You had no problem sending 220,000 kilograms of cocaine
23 to young people in America, did you?

24 A No, sir.

25 Q But you drew the line at Ephedrine, didn't you?

Cifuentes Villa - Cross - Lichtman

3246

1 A Yes, sir. I did change my mind, and that's too bad.
2 But it is true.

3 Q And you did it because you wanted to change your
4 morality then, didn't you?

5 A No, because I needed the money.

6 Q You did it for selfish reasons, correct?

7 A Yes, sir, that's correct.

8 Q Now, this --

9 THE COURT: Mr. Lichtman, I really think you've
10 exhausted this topic.

11 MR. LICHTMAN: You think so?

12 THE COURT: I think so.

13 Q Now, do you recall being --

14 MR. LICHTMAN: I'm going to just do very briefly
15 on other debriefings on this, Judge. I'll run through these
16 questions.

17 THE COURT: Okay.

18 Q You remember being debriefed by this naval intelligence
19 officer coming to visit you numerous times, as you said?

20 A Can you please repeat.

21 Q Yes. You were debriefed about this meeting between the
22 naval intelligence officer and yourself in 2010 numerous
23 times, weren't you?

24 A That's correct, yes, sir.

25 Q And you remember telling the Government that you

Cifuentes Villa - Cross - Lichtman

3247

1 offered this man \$10 million to get rid of all the originals
2 of the evidence?

3 A To stop the investigation.

4 Q You offered him \$10 million to get rid of all the
5 originals of the evidence, didn't you?

6 A That's correct, yes, sir.

7 Q And he said no because he claimed he worked for a
8 Federal Colombian Agency you said in another briefing?

9 A No, sir, I didn't -- he didn't say who he worked for.
10 But he told me he couldn't receive money from me because he
11 would be killed.

12 Q He would kill you?

13 A No, sir. That he couldn't receive money from me
14 because his boss or his organization would murder him.

15 Q And didn't you -- you just testified that you didn't
16 know who this man worked for?

17 A I assumed that he worked for naval intelligence, but he
18 didn't admit that. He didn't say who he worked for.

19 Q Why did you assume that he worked for Colombian Naval
20 Intelligence as an officer?

21 A Because Pangara, the person who received the cocaine,
22 introduced him and he said he was a naval officer. But he
23 never admitted that.

24 Q You claim you took notes of this evidence against you?

25 A I wrote down the case number. There was a case in

Cifuentes Villa - Cross - Lichtman

3248

1 Florida and I wrote down that case number. That was the
2 only thing there was.

3 Q You didn't take any notes of the evidence?

4 A No, sir.

5 Q You didn't tell the Government in a debriefing in
6 October of 2015 that you were able to take notes?

7 A Yes, sir, I noted down the case number.

8 Q That's what you consider to be notes, just the case
9 number?

10 A Certainly, yes, sir.

11 Q Were you told that all the evidence was sent to the
12 United States every three years?

13 A No, sir, that's another mistake. Every three months.

14 Q Every three months they sent it, not every three years?

15 A That's correct, yes, sir.

16 Q And did you describe the man to the Government as 35
17 years old and from El Villa based on his accent?

18 A From where?

19 Q El Villa?

20 A I don't understand what that is.

21 Q Did you tell the Government that based on his accent,
22 you believed you knew where he was from, this man?

23 A Yes. He had a Cali accent.

24 Q Did you tell the Government that you could recognize
25 his picture if you were shown a photo?

Cifuentes Villa - Cross - Lichtman

3249

1 A Yes, sir, that's correct.

2 Q Did the Government ever show you any photos?

3 A They have shown me thousands of photos.

4 Q Did they show you any photos of who might this
5 Colombian or whatever naval intelligence officer was, who he
6 was?

7 A In none of the photos they showed me was there the
8 naval officer, whatever.

9 Q They ask you for the notes that you took down when you
10 had seen this evidence?

11 A No, sir. I said that I noted down the case number.

12 Q So where is that note? You noted it down? That means
13 you used a pen on paper?

14 A The case number, it's on the indictment. You can find
15 it on there.

16 Q When you wrote down the notes did you use a pen?

17 A Yes, a blue one.

18 Q Did you use the blue pen on paper to write down the
19 notes?

20 A Yes. At the top I wrote the case number.

21 Q Did you give the notes with the case number on it to
22 the Government?

23 A No. They captured me like two years later when I was
24 fleeing on the mountain.

25 Q I simply asked --

Cifuentes Villa - Cross - Lichtman

3250

1 A I dropped the notes and money and everything and
2 phones.

3 Q So you lost the notes -- but you kept the note because
4 it was important to you?

5 A In order to hire a lawyer.

6 Q You kept the notes because it was important to you.
7 We'll try a second time.

8 A No. I gave it to my sister. I gave her the case
9 number. She was talking about the person who said she was a
10 prosecutor. I don't -- should I tell you that story? It's
11 a long story.

12 THE COURT: Everyone quiet, please.

13 Q I'm just going to try to ask this question for the
14 third time.

15 The notes that you claim that you took when the
16 naval intelligence officer showed you the evidence, did you
17 keep them when you went to Venezuela?

18 A No, sir.

19 Q You threw them out?

20 A As I said, I gave the case number to my sister.

21 Q And then you threw the piece of paper out?

22 A Oh, yes, sir. Of course, yes. You're right. I'm
23 sorry.

24 Q You threw it out?

25 A I tore it up and threw it out.

Cifuentes Villa - Cross - Lichtman

3251

1 Q In Venezuela or in Colombia before you got to
2 Venezuela?

3 A At my sister's house in the toilet and I flushed.

4 Q Do you find that these questions are a little tougher
5 to answer on cross than they were on direct?

6 MR. FELS: Objection.

7 THE COURT: Sustained, sustained.

8 It's really not a fair question. You asked, for
9 example, a minute ago you said for the third time, and then
10 you approached a question from a completely different angle.
11 That's fine for you, but the question you just asked was not
12 legitimate.

13 Q I asked you a number of times whether you kept the
14 paper with the case number on it. It took awhile for you to
15 answer, didn't it?

16 MR. FELS: Objection.

17 THE COURT: Sustained.

18 Q You met with the Government in May of 2018, just a few
19 months ago, and discussed this meeting with the supposed
20 intelligence -- navy intelligence officer, correct?

21 A Yes, sir.

22 Q Do you recall telling the Government that the man that
23 came to visit you with the evidence was an unnamed
24 policeman?

25 A Yes, sir.

Cifuentes Villa - Cross - Lichtman

3252

1 Q You told them that it was possibly a police -- excuse
2 me. You told them that it was an unnamed policeman,
3 correct?

4 A I don't know his name.

5 Q I just asked you if in May of 2018, you told the
6 Government --

7 THE COURT: Okay. Sidebar, please.

8 (Continued on next page.)
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Sidebar Conference

3253

1 (The following occurred at sidebar.)

2 THE COURT: I don't know if you are doing this on
3 purpose, but it is not fair. You asked him first, Did you
4 tell the Government there was an unnamed policeman? He
5 said, Yes, sir. Then you asked him the same question again,
6 and he's thinking in his mind, Well, I guess he wants more,
7 so he tries to give you something more. He says, I didn't
8 know the name. Then you treat it like he hasn't answered
9 your question, but he did two questions ago. He said, yes,
10 sir, I told him it was an unnamed policeman.

11 So really listen to his answers before you keep
12 peppering with the same questions and then say, Ah-ha, it's
13 inconsistent and he's trying to help you. I don't mean that
14 literally. I mean, he's trying to give you more information
15 because he feels like you're not satisfied even with his
16 answer.

17 MR. LICHTMAN: I'm not satisfied.

18 THE COURT: I understand you are not satisfied,
19 but I think there are a lot of questions you asked you ought
20 to be satisfied. You got the answer.

21 MR. LICHTMAN: Thank you.

22 (Continued on next page.)
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25

Cifuentes Villa - Cross - Lichtman

3254

1 (Sidebar ends; in open court.)

2 BY MR. LICHTMAN:

3 Q Sir, do you recall being debriefed on this visit by the
4 Columbian Naval intelligence officer or a policeman at the
5 end of September of this year, just a couple months ago?

6 A Yes, sir.

7 Q Do you recall telling the Government that the person
8 who had visited you was a corrupt Colombian official,
9 possibly the police?

10 A Yes, sir, that's correct.

11 Q Sir, do you know what the SIU is?

12 A No.

13 Q Do you know that the SIU is a -- is a -- is an acronym
14 for Sensitive Investigations Unit?

15 A No, sir.

16 Q You don't know of an agency that is United States
17 trained and equipped, it's a group of secret Colombian
18 agents?

19 MR. FELS: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: What should I do?

22 THE COURT: No, I overruled the objection.

23 You can answer.

24 A No, sir. I did not know about the existence of that
25 group.

Cifuentes Villa - Cross - Lichtman

3255

1 Q Do you recall being debriefed on this issue, this will
2 be the last part of this, the visit that you received from
3 the Colombian -- let's call him a Colombian man, in February
4 of 2016?

5 A Yes, sir. They have asked me about the same thing many
6 times.

7 Q And do you recall telling the Government during this
8 February 2016 debriefing that a corrupt member of the SIU
9 came to visit you?

10 A That's another mistake. *UNAIM. UNAIM*, Navy
11 Intelligence Unit. Of the Navy, of the Navy, *UNAIM. Unidad*
12 *de la Inteligencia, Intelligence* -- Intelligence Navy Unit.

13 Q You don't remember telling the Government in February
14 of 2016 that a corrupt SIU agent came to see you and showed
15 you the DEA's case against you?

16 A *UNAIM*, Intelligence Navy unit, National Navy
17 Intelligence Unit, *UNAIM*.

18 Q You didn't tell the Government the SIU?

19 A The first time I've ever heard that name is from you,
20 sir.

21 Q And you said that this whoever he was, made a
22 PowerPoint presentation to you with all of the DEA's files
23 against you and case against you?

24 A No, sir. That -- in the USB there was a PowerPoint
25 presentation.

Cifuentes Villa - Cross - Lichtman

3256

1 Q Did you see the PowerPoint presentation?

2 A No, sir. But at the end of the file he read it,
3 PowerPoint.

4 Q He read PowerPoint?

5 THE COURT: It read PowerPoint.

6 Q But you didn't see any PowerPoint presentation?

7 A The only one I saw was the organizational chart of
8 OFAC.

9 Q Well, you saw more than an organizational chart. You
10 saw other DEA evidence, didn't you?

11 A There were many files, many thousands upon thousands of
12 files. It was impressive, but I did not open them.

13 Q So the only thing that you saw that day was an
14 organizational chart?

15 MR. FELS: Objection, mischaracterizes the
16 evidence.

17 THE COURT: Sustained.

18 Q What did you see that day from the materials that the
19 officer showed you?

20 MR. FELS: Objection. Asked and answered.

21 THE COURT: We have really been over this, really.

22 MR. LICHTMAN: Well, Judge, I'm trying to go back
23 in the inconsistency he just gave me on the answer.

24 MR. FELS: Objection. The defense attorney's
25 testifying, Your Honor.

Cifuentes Villa - Cross - Lichtman

3257

1 THE COURT: I understand you have a view that
2 there is an inconsistency. The jury will determine whether
3 there is indeed an inconsistency. But let me assure you, if
4 you have one, it is already there.

5 Q You were devastated by the death of your brother,
6 Pacho, correct?

7 A Yes, sir, that's correct.

8 Q And you were protective over your brother, Alex, and
9 your sister, Dolly?

10 A Yes, sir.

11 Q And they were, in fact, the most trusted part of your
12 drug trafficking organization after Pacho was killed?

13 A Yes, sir, that's correct.

14 Q And you relied on them very much, didn't you?

15 A I don't understand.

16 Q You relied on them in connection with your drug
17 trafficking, didn't you?

18 A Yes, sir, that is correct.

19 Q And, in fact, you told the Government that you trusted
20 Alex completely, didn't you?

21 A And I continued to, yes, sir.

22 Q But, in fact, he lied to you about the Ephedrine
23 dealing, didn't he?

24 A Yes, that's correct.

25 Q And, in fact, other times as you told the Government,

Cifuentes Villa - Cross - Lichtman

3258

1 he was overly dramatic and exaggerated facts with you?

2 A That's correct, yes, sir.

3 Q And you even told the Government that Alex would
4 exaggerate things in order to get you to take some action in
5 connection with Mr. Guzman, didn't you?

6 A Yes, sir, that's correct.

7 Q And at one point you didn't trust him completely
8 because you fired him, didn't you, in 1995?

9 A Did I fire him? I don't know what you're talking
10 about.

11 Q You fired him because he was an alcoholic.

12 A How can you fire your brother? He did not work with
13 me. And he continued being my brother.

14 Q Was your brother an alcoholic?

15 A Of course. Of course, he was, yes. He had
16 pancreatitis necrotic pancreatitis.

17 Q Because of the alcoholism?

18 A Yes, sir.

19 Q And you never fired him in connection with your drug
20 trafficking organization?

21 A Yes, sir. I put some -- I put them to the side.

22 But --

23 THE INTERPRETER: The interpreter needs to
24 clarify.

25 A But the money my brother, Alex, used came from drug

Cifuentes Villa - Cross - Lichtman

3259

1 trafficking --

2 Q Sir, I simply asked --

3 A -- so I don't understand. Excuse me, but I am --

4 Q You just testified that you put him on the side?

5 A Yes, sir. Yes, sir, that's correct.

6 Q Which means you fired him, correct?

7 A No, sir.

8 Q So what do you mean, you put him on the side? Explain
9 that.

10 A Without having any responsibilities, any commitment.

11 THE COURT: Did he continue to get paid when you
12 put him on the side?

13 THE WITNESS: Yes, sir.

14 Q So he was paid, but he wasn't allowed to do the normal
15 things that he was doing in your drug trafficking
16 organization?

17 A That's correct.

18 Q So would you say that you suspended him with pay?

19 A That's correct, yes, sir.

20 Q But you didn't fire him, correct?

21 THE COURT: Okay. Mr. Lichtman, we have that.

22 Go ahead.

23 Q Now, you also didn't believe Alex when he claimed that
24 he'd been shot, correct?

25 A No, sir.

Cifuentes Villa - Cross - Lichtman

3260

1 Q And he told you that his girlfriend had --

2 MR. FELS: Objection, Your Honor, prior ruling.

3 MR. LICHTMAN: Judge, I don't think this is part
4 of this at all.

5 THE COURT: In the motion *in limine*?

6 MR. FELS: Can we have a sidebar?

7 THE COURT: Yes.

8 (Continued on next page.)
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David K. Roy, RPK, CSA, CCR
Official Court Reporter

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David K. Roy, RPK, CSA, CCR
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Official Court Reporter

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David K. Roy, RPK, CSK, CCR
Official Court Reporter

Cifuentes Villa - Cross - Lichtman

3265

1 (Sidebar ends; in open court.)

2 MR. LICHTMAN: May I, sir?

3 THE COURT: Please.

4 MR. LICHTMAN: Thank you.

5 BY MR. LICHTMAN:

6 Q After your sister, Dolly, was arrested, she was placed
7 in a Colombian prison until she was extradited to America,
8 correct?

9 A Yes, sir, that's correct.

10 Q And do you recall that Alex suggested to break her out
11 of that prison in Colombia?

12 A Yes, sir, that's correct.

13 Q Now, beyond the officer, whether he's a naval
14 intelligence officer or a policeman, who showed you the
15 American evidence against you, you knew that some DEA agents
16 and other American officials were corrupt, didn't you?

17 MR. FELS: Objection. Relevance.

18 THE COURT: Sustained.

19 Q When you were dealing drugs, you believed that the DEA
20 has some corrupt members in it, didn't you?

21 MR. FELS: Objection, same.

22 THE COURT: I really -- I cannot say it's
23 irrelevant without knowing where he is going. I will allow
24 an answer to this question.

25 A Yes, sir.

Cifuentes Villa - Cross - Lichtman

3266

1 Q And you recall speaking to Alex -- excuse me.

2 You were asked to review some intercepted
3 Blackberry messages that you sent your brother?

4 A That's correct, yes, sir.

5 Q You knew someone named Poncho?

6 A Yes, sir.

7 Q And Poncho told you that he had a family member inside
8 the DEA?

9 A Yes, sir, a cousin.

10 Q Who was leaking information?

11 A Yes, sir.

12 Q And because of this, in Blackberry exchanges you warned
13 Alex to be careful speaking to your mother because the DEA
14 was listening in?

15 A Yes, sir.

16 Q And you witnessed your brother, Pacho, paying off the
17 DEA agents in Colombia, didn't you?

18 A No, sir.

19 Q You don't recall DEA agents receiving cash in cardboard
20 boxes?

21 A No, sir.

22 Q Dolly, your sister, put you in touch with who you
23 thought was an American prosecutor; do you recall that?

24 A Yes, sir, that is correct.

25 Q And you met with someone named Reina? Am I pronouncing

Cifuentes Villa - Cross - Lichtman

3267

1 that correctly?

2 A Very well, Reina Londoño.

3 Q And you met with her numerous times about making the
4 American case against you go away?

5 A We -- Adriana Gonzalez, her colleague.

6 Q Well, just let me get back to Reina, if I can.

7 You told the Government that Reina takes care of
8 everything in Colombia?

9 A She was supposedly a Colombian prosecutor. But they
10 were scandals, but that wasn't the case.

11 Q You thought that Reina could make criminal cases go
12 away, correct?

13 A Yes, sir, that's correct.

14 Q And she asked you for 16 million American dollars to
15 bribe the necessary people in America to make your case go
16 away?

17 A No, sir, it was not her. It was Adriana Gonzalez.

18 Q Adriana Gonzalez, you met with her?

19 A Yes, sir.

20 Q She takes care of things in America, you told the
21 Government?

22 A Yes. That she had ways with \$16 million to make sure
23 that the case went away.

24 Q So she asked you for 16 million American dollars to
25 make the American case against you go away?

Cifuentes Villa - Cross - Lichtman

3268

1 A Yes, sir.

2 Q You didn't give her \$16 million, did you?

3 A No. She was arrested and went to jail.

4 Q Did you pay her \$500,000?

5 A Yes, sir, that's correct.

6 Q Before she was arrested and taken away, correct?

7 A Yes, sir, that's correct.

8 Q And you paid her to make the American case go away?

9 A That's correct, yes, sir.

10 Q You paid her because you thought she was going to use
11 that money to bribe American prosecutors, correct?

12 A No, sir. That's not how that works.

13 Q What was the \$500,000 for? Wasn't it, in fact, to make
14 the American case go away?

15 A The \$500,000 was so I would not be arrested in
16 Colombia. And the \$16 million were for them to take care of
17 the case, for them to hire lawyers, to produce positives so
18 as to make the case go away. But I don't know exactly how
19 it works. That's what she told me.

20 Q The American case against you go away?

21 A Yes, sir, that's correct. In Miami.

22 Q Now, Pacho was murdered in 2017?

23 A Yes, sir, in April.

24 Q And you had learned that he had been killed from a
25 corrupt Columbian Army colonel named Betancourt?

Cifuentes Villa - Cross - Lichtman

3269

1 A No, sir.

2 Q You didn't learn that he had been shot and wounded and
3 then later killed from this Augusto Betancourt?

4 A Oh, yes. He let me know by phone that they had -- they
5 had killed my brother. What I understood was that whether
6 the colonel had killed my brother. That's what the
7 interpreter said.

8 Q Understood.

9 Betancourt had been the director of the DAS in
10 Colombia?

11 A Yes, sir, that's correct.

12 Q That's the security service agency of Colombia?

13 A Yes, sir. It was. It's no longer around.

14 Q And Betancourt had helped your family and your criminal
15 associates with telephone interception, hadn't he?

16 A No, sir.

17 Q He didn't conduct surveillance for you and your family
18 and give you dossiers on individuals of interest?

19 A No, sir.

20 Q Sir, do you recall being debriefed on February 3rd,
21 2016 by the Government?

22 A Yes, sir.

23 Q You remember the exact date that you were debriefed?

24 A No, sir.

25 Q You do recall, though, being asked about Augusto

Cifuentes Villa - Cross - Lichtman

3270

1 Betancourt, correct?

2 A Yes, sir, that's correct.

3 Q And it is possible that you told the Government during
4 this debriefing that Augusto Betancourt helped the
5 Cifuentes Villa Family and their associates intercept
6 telephones, conduct surveillance, and gave them dossiers on
7 individuals?

8 A No, sir. Augusto was a scaredy-cat and he was good for
9 nothing.

10 Q You gave him money, didn't you?

11 A No.

12 Q Your brother gave him money, didn't he?

13 A I --

14 THE INTERPRETER: I'm sorry.

15 Q Your brother gave him money, didn't he?

16 A No, no. But what I did with Augusto was get drunk with
17 him and talk about silly things.

18 Q So you never told the Government that you had a corrupt
19 relationship with Augusto Betancourt, a former director of
20 the DAS?

21 MR. FELS: Objection. Asked and answered.

22 THE COURT: I will let him answer again.

23 A No, sir.

24 Q You asked him to provide security for a multi-ton
25 cocaine operation in Ecuador?

Cifuentes Villa - Cross - Lichtman

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1 A He wasn't -- he was no longer that director. And I
2 asked him to get together as a security group for my own
3 personal security, not to buy cocaine.

4 Q So did you have a corrupt relationship with him after
5 he had retired as head of the DAS?

6 A No, sir.

7 And he did not extend my proposal of getting me a
8 security group for my personal safety.

9 Q Your personal safety in connection with your drug
10 trafficking organization?

11 A Yes. My drug trafficking organization, but he didn't
12 have knowledge about it, and he didn't accept giving me
13 security.

14 Q Sir, I didn't ask you if he had knowledge of all of
15 your drug trafficking. I asked whether you had a corrupt
16 relationship with him that enabled you to ask him to provide
17 security for you in connection with your drug trafficking
18 organization?

19 A No, sir.

20 Q And your brother visited him often when he was at the
21 DAS in his office?

22 A No, sir, I visited him.

23 Q You visited him at his DAS office?

24 A Yes, sir. He had an apartment right there inside
25 the -- the DAS office.

Cifuentes Villa - Cross - Lichtman

3272

1 Q So while he was the head of the DAS, you visited him in
2 his DAS office?

3 A Yes, sir. He was the boyfriend of my sister, Lucia,
4 and we had a good friendship. We would get together in his
5 house to drink drunk and talk about silly things.

6 Q But not a corrupt relationship at all?

7 THE COURT: Mr. Lichtman, I think you previously
8 asked the witness that. Can we go on to something else?

9 How are you doing on time?

10 MR. LICHTMAN: Judge, we're getting to the end.

11 THE COURT: Okay.

12 Q Now, you learned from Betancourt, as you testified to a
13 couple minutes ago, that your brother, Pacho, had been shot
14 once or twice by the police?

15 A Yes, sir. Not the police. He told me he had been
16 murdered. He told me over the phone.

17 Q You didn't tell the Government that Betancourt informed
18 you that he had been shot by the police?

19 A They were some assassins that were dressed up,
20 disguised as people from Gaula, which is police.

21 Q You never found out who killed Pacho?

22 A Up until now, I don't know who it was.

23 Q But you believe it was because he was working with the
24 DEA, correct?

25 A There were rumors in the city that he was cooperating

Cifuentes Villa - Cross - Lichtman

3273

1 with the DEA.

2 Q You believed the reason he was killed was because of
3 his cooperation with the DEA?

4 A Yes, sir.

5 Q And you were obviously, as you testified to before,
6 devastated by the murder of Pacho?

7 A Yes, sir.

8 Q And you were so devastated that the day after Pacho's
9 murder, you had a meeting in your apartment?

10 A Yes. That is correct, yes, sir.

11 Q And this meeting was about the three tons of cocaine
12 that Pacho had hidden on his estate, correct?

13 A Yes, in the same one where he was murdered.

14 Q And in that meeting, you were asked permission to
15 continue dealing those drugs, correct?

16 A Yes, sir, to deliver this cocaine to its owners.

17 Q So your mourning for Pacho didn't last that long
18 because you immediately had a meeting about cocaine
19 dealings?

20 MR. FELS: Objection, Your Honor.

21 THE COURT: Sustained.

22 Q When your brother, Pacho, was killed, that didn't stop
23 you from dealing drugs, correct?

24 A No, it was the opposite. I went to Mexico to meet with
25 Don Joaquin.

Cifuentes Villa - Cross - Lichtman

3274

1 Q Don Joaquin?

2 A Yes.

3 Q You wanted to learn who killed your brother, correct?

4 A That's correct, yes, sir.

5 Q Because you wanted to kill the man that had killed your
6 brother?

7 A More than kill him. Knowing whether my own life was in
8 danger.

9 Q So you weren't angry to the point that you wanted to
10 kill the man that killed your brother?

11 A I was more afraid than angry.

12 Q Yet, when your brother, Fernando, was killed, you gave
13 an order to kill someone who was involved in that murder?

14 A Yes, sir, that's correct.

15 Q Now, obviously, I'm going to change the subjects.

16 MR. LICHTMAN: Judge, do you want to take a break
17 now or --

18 THE COURT: It depends. If you are going to
19 finish in the next 15 minutes, we will go on. If you are
20 going to go longer than that, we will break.

21 MR. LICHTMAN: We should break.

22 THE COURT: All right.

23 All right, ladies and gentlemen, we are going to
24 have lunch. Please do not talk about the case amongst
25 yourselves. We will see you in here at 1:35.

Cifuentes Villa - Cross - Lichtman

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1 (The jury exits the courtroom.)

2 (The following matters occurred outside the
3 presence of the jury.)

4 THE COURT: Seriously, how much longer?

5 MR. LICHTMAN: Half an hour, tops.

6 THE COURT: Okay.

7 Okay.

8 MS. PARLOVECCHIO: Your Honor, I'm sorry, just
9 briefly. As you mentioned last week, we had some law
10 enforcement officers who are here from out of the country
11 that we have to get on and off the stand today. I think if
12 we get them on by 2:30, we should be okay with that. But I
13 don't know what the timing is, and, of course, we'll have
14 redirect, so...

15 THE COURT: Well, if we reconvene at 1:35, which
16 will probably be closer to 1:40, and Mr. Lichtman has no
17 more than half an hour and finishes at 2:10, redirect I
18 expect won't take very long, and then we should be okay for
19 2:30. If that's not working out, then either for the
20 redirect or the cross if it hasn't been finished, it will be
21 interrupted.

22 MR. BALAREZO: Your Honor, I just had one brief
23 thing that might be of help. I'm going to ask the Court if
24 the Court could perhaps mention to the court interpreters to
25 try to interpret it as accurately as possible without adding

Cifuentes Villa - Cross - Lichtman

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1 additional words, because I've noticed several instances
2 words that did not come out of the witness's mouth were
3 added to the answer.

4 MR. LICHTMAN: Judge, can we do that without the
5 witness here?

6 THE COURT: Sure. Let's have the marshal take the
7 witness out, please.

8 (The witness exits the stand.)

9 THE COURT: Okay. I don't speak much Spanish, so
10 I cannot compete with you, Mr. Balarezo. But I will say
11 there are a lot of figures of speak in the questions that I
12 was thinking, Gee, I wonder how that translates in Spanish,
13 that would be interesting to know? There was a lot of that.

14 There was also, as I pointed out to the witness,
15 he's not really confining himself to yes-or-no answers. So
16 there is surplusage in there, and I think the interpreters
17 are doing their best to give the meaning of both the
18 questioner and the witness's intent. But I will ask the
19 interpreters to be extra careful. Okay?

20 MS. PARLOVECCHIO: Your Honor, if I may be heard
21 on this, Your Honor?

22 MR. BALAREZO: Well, I haven't finished.

23 (Continued on next page.)
24
25

Proceedings

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1 (In open court; jury not present.)

2 MR. BALAREZO: I will tell you specifics --

3 MS. PARLOVECCHIO: Judge, I need to be heard on
4 this, Your Honor.

5 MR. BALAREZO: I haven't finished yet.

6 THE COURT: Why don't you wait until he says what he
7 has to say.

8 MS. PARLOVECCHIO: Fair enough.

9 MR. BALAREZO: This is an innocuous example, but
10 this is kind of what got me thinking about it. The answer was
11 by the witness, that he paid money, so in Spanish, "para que
12 no me detuvieran," that's why I wouldn't be arrested, and the
13 response that was translated was, "I wouldn't be arrested in
14 Colombia." I mean, I know it's just an addition of a word,
15 but that should not be done.

16 THE COURT: If that happened, and I can't say
17 whether it did or not, I agree that should not happen.

18 MS. PARLOVECCHIO: Your Honor --

19 THE COURT: Yes.

20 MS. PARLOVECCHIO: -- first, I would just like to
21 note that -- I don't want to speak for the interpreters, of
22 course, but Mr. Lichtman a few times was stepping on the
23 interpreter's translation --

24 THE COURT: Absolutely.

25 MS. PARLOVECCHIO: -- which needs to stop. It's

1 created a problem with them translating it, for the court
2 reporter, for the record, okay, so that's number one.

3 Number two, we had had a sidebar about this issue at
4 the beginning of the trial, if you recall, and Mr. Balarezo
5 made assertions about what the interpreters were and were not
6 interpreting. Subsequently, there was a conversation with the
7 interpreters who are interpreting at defense table and they
8 said that Mr. Balarezo's assertions were not correct, that the
9 courtroom interpreters were spot on, so I just want to make a
10 record.

11 THE COURT: There is plenty of room in a case like
12 this for there to be either mishearing by Mr. Balarezo, who
13 may have missed a little in the answer, or misinterpretation
14 by the interpreters who have a huge volume to interpret. I
15 can't get to the bottom of that dispute. As I said at
16 sidebar, I would be shocked if any trial like this has a
17 literally accurate 100 percent translation at the end of the
18 day, so all I can do is tell everybody, listen carefully and
19 ask the interpreters to continue to work hard, as they are
20 doing, and doing the very best they can. More than that, I
21 can't do.

22 MS. PARLOVECCHIO: Thank you, Your Honor.

23 MR. BALAREZO: Your Honor, as I said, it's not an
24 issue of the interpretation of the meaning of what's being
25 said; it's the addition of words that are --

Proceedings

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1 THE COURT: I know, but you could easily miss those
2 words "in Colombia." The witness is not talking into the
3 microphone because he is not speaking to you in Spanish; he is
4 speaking to the interpreter who is standing right next to him,
5 so those words may have been there. I don't doubt for a
6 minute that you didn't hear them, but they may have not been
7 added by the interpreter.

8 MR. BALAREZO: I would just ask the Court to tell
9 the witness to speak louder, because I'm --

10 THE COURT: No, no. He is not supposed to be
11 speaking to you in Spanish just because you know Spanish. His
12 is speaking to the interpreter who has taken an oath to
13 translate as accurately as they can.

14 MR. BALAREZO: But he also should be heard, because
15 my client, Mr. Guzman, is trying to listen to the witness
16 also. I think he has a right to hear what the witness is
17 saying.

18 THE COURT: Of course he does. And we've offered
19 him, as he's doing right now as I look at him, simultaneous
20 translation with an interpreter sitting next to him. If he
21 wants that, that's fine, but there's no reason for the witness
22 to testify to the whole courtroom in Spanish since these
23 proceedings are in English. We will give Mr. Guzman whatever
24 interpretive help he needs, including, as is happening right
25 now, an interpreter sitting right next to him.

Proceedings

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1 MR. BALAREZO: Very well, Your Honor.

2 THE COURT: Okay. 12:35.

3 (Lunch recess taken.)

4 (Continued on the following page.)

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Cifuentes Villa - cross - Lichtman

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A F T E R N O O N S E S S I O N

(In open court; jury not present.)

(Witness resumes the stand.)

THE COURTROOM DEPUTY: All rise.

THE COURT: Okay. Let's have the jury, please.

(Jury enters.)

THE COURT: All right. Everyone be seated.

Please continue, Mr. Lichtman.

MR. LICHTMAN: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. LICHTMAN: (Continued.)

Q Mr. Cifuentes, I'm going to show you some pictures, and if you can tell me if you recognize the individuals.

The first one is Government's Exhibit 7.

This can be published to the jury as well.

(The above-referred to exhibit was published.)

A No, sir.

Q Government's Exhibit 6.

(The above-referred to exhibit was published.)

BY MR. LICHTMAN:

Q Do you recognize this man?

A No, sir.

(The above-referred to exhibit was published.)

BY MR. LICHTMAN:

Q Government's Exhibit 10, do you recognize this man?

Cifuentes Villa - cross - Lichtman

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1 A Mayo Zambada. He looks like Mayo Zambada to me.

2 Q You're not sure, though, are you?

3 A No. No, I'm not.

4 Q Government's Exhibit 4?

5 (The above-referred to exhibit was published.)

6 A No, sir, I don't know him.

7 Q By the way, you spend a lot of time with Mayo Zambada,
8 correct?

9 A Yes, sir, that's correct.

10 Q Government's Exhibit 5?

11 (The above-referred to exhibit was published.)

12 A No, sir, I don't know him.

13 Q Government's Exhibit 99?

14 (The above-referred to exhibit was published.)

15 BY MR. LICHTMAN:

16 Q Do you recognize this man?

17 A No, sir, I don't know him.

18 (The above-referred to exhibit was published.)

19 BY MR. LICHTMAN:

20 Q And Government's Exhibit 8, do you recognize this man?

21 A No, sir.

22 Q Thank you.

23 If I can just go into one thing that you mentioned
24 on direct. You talked about the purchase of drugs with debit
25 cards.

Cifuentes Villa - cross - Lichtman

3283

1 A Yes, sir.

2 Q And you were paying for the drugs with money that was on
3 debit cards?

4 A The system of credit card -- credit cards is to bring
5 down the money, and once we have the money in cash, in pesos,
6 we purchase the cocaine.

7 Q But you put the money, the cash, you purchased the debit
8 cards with that cash?

9 A Money is taken in cash, right, the dollars, and they --
10 it is transferred by wire transfer through Monedeux.

11 THE INTERPRETER: That's M-O-N-E-D-E-U-X.

12 BY MR. LICHTMAN:

13 Q And then the Monedeux, is that debit cards?

14 A And then Monedeux delivers to us the debit cards, the
15 physical debit cards; and at the ATM you can withdraw the
16 money in Colombian pesos.

17 Q Some of your drug transactions were millions and millions
18 of dollars, correct, some of your drug purchases?

19 A Yes, sir. Don Joaquin gave me more than \$15 million for
20 the purchase of drugs, and --

21 Q So \$15 million was put onto debits cards; is that what
22 your testimony is?

23 A I was telling you that there were three different ways of
24 doing it --

25 Q I'm just -- if I can interrupt. I'm just asking about

Cifuentes Villa - cross - Lichtman

3284

1 the debit cards.

2 A No, sir, through the credit cards, we move approximately
3 \$15 million -- debit cards.

4 Q So you put \$15 million on debit cards?

5 A Juan Pablo Londono did it through Monedeux, and the other
6 gentleman who did the same thing who went by the name Juanes,
7 who were Juan Ramon Zapata, and between those two groups, they
8 moved approximately \$20 million.

9 Q In debit cards?

10 A Yes, sir, through the system of debit cards.

11 Q That's a lot of debit cards, wouldn't you say?

12 A They would give us 400 to 500 debit cards each time and
13 each card can be reloaded up to \$30,000 a year per card.

14 Q For a year.

15 A (No verbal response.)

16 Q You testified last week about the --

17 A Yes, correct.

18 Q -- about a fraud you committed in connection with the
19 D-I-A-N, DIAN, the Colombian Internal Revenue Service?

20 A With the DIAN, yes, sir, that's correct.

21 Q You testified you had sold the property in Medellin that
22 triggered a \$2.2 million tax bill?

23 A Yes, sir, that's correct.

24 Q And this property was all bought with drug money?

25 A Yes, sir, that's correct.

Cifuentes Villa - cross - Lichtman

3285

1 Q And this real estate transaction was with a Colombian
2 university?

3 A Yes, sir, that's correct.

4 Q And as you said last week, you set up a fake transaction
5 to avoid owing the taxes?

6 A That's correct, yes, sir.

7 Q And you made it seem as if the property had been sold to
8 someone else and not you?

9 A The property was under my name and I sold it to a company
10 that also belongs to me.

11 Q So you set up a sham transaction?

12 A Yes, sir, a simulation.

13 Q But, in fact, you didn't mention last week that the
14 scheme didn't work and that the creation of the fake
15 transaction, you actually were caught; they figured it out?

16 A Yes, sir. There was an anonymous person who reported the
17 transaction. Meaning a written paper written anonymously
18 arrived to DIAN denouncing that the transaction was a fraud.

19 Q But that didn't stop you from getting away with paying
20 the tax that you owed, did it?

21 A That's correct.

22 Q Instead, your second plan was to bribe a Colombian tax
23 official to make the tax bill go away, correct?

24 A Yes, sir, that's correct.

25 Q And you corrupted bank employees, too?

Cifuentes Villa - cross - Lichtman

3286

1 A Yes, sir. Yes, sir, that's correct.

2 Q You paid them off to let you open accounts in fake names?

3 A Yes, sir, that's correct.

4 Q And they would even ensure that the money that you were
5 receiving wasn't traced or questioned by the Government before
6 putting it into your account; isn't that true?

7 A Yes, sir, that's correct.

8 Q Do you recall that you signed the cooperation agreement
9 in this case in March of 2015?

10 A Yes, sir.

11 Q And included in that cooperation agreement was a
12 forfeiture agreement as well, correct?

13 A I don't understand. Can you repeat that, please?

14 Q Part of the cooperation agreement included a forfeiture
15 agreement, correct?

16 A Yes, sir, that is correct.

17 Q In September of 2011, you're aware that the Colombian
18 government seized 301 assets in Colombia from your drug
19 trafficking organization?

20 A Yes, sir, that is correct.

21 Q And these seizures were done with the assistance of the
22 DEA in Bogota?

23 A I don't know, sir.

24 Q Well, according to the Government, if you know, those
25 seized assets had a value of approximately 250 million?

Cifuentes Villa - cross - Lichtman

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1 A Yes, sir.

2 Q And you're aware that in June of 2012, an additional 15
3 million in assets were seized from your drug trafficking
4 organization.

5 A Where? Excuse me?

6 Q From Colombia.

7 A Yes, sir.

8 Q And this included properties, cars, businesses?

9 A Yes, sir, that's correct.

10 Q And that brought the total value of assets seized in
11 Colombia from your drug trafficking organization to
12 approximately 265 million?

13 THE INTERPRETER: Interpreter's correction. Was it
14 \$265 million?

15 MR. LICHTMAN: Yes.

16 A Yes, sir.

17 Q But according to you, you believe that the value of these
18 properties is closer to a hundred million; isn't that true?

19 A That's correct, yes, sir.

20 Q So you think that the Government's valuation is
21 incorrect?

22 A Many years have gone by and the value of the properties
23 has gone up, yes, sir.

24 Q Well, do you think -- you told the Government that
25 they're worth only a hundred million now, correct?

Cifuentes Villa - cross - Lichtman

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1 A That was my opinion, yes, sir.

2 Q And the Colombian government holds these assets, whether
3 it's 265 million or a hundred million dollars' worth, correct?

4 A Yes, sir, that's correct.

5 Q And you bribed people in the Colombian government,
6 haven't you?

7 A The DIAN officer, yes, sir. Are you speaking -- excuse
8 me -- about something specific?

9 Q Sir, my question is: You don't believe that the
10 Colombian government is an honest government in your
11 experience, is it?

12 MR. FELS: Objection, Your Honor.

13 THE COURT: Sustained.

14 BY MR. LICHTMAN:

15 Q In 2012, the Americans seized about 12 million in cash
16 and property from you in Florida?

17 A Yes, sir.

18 Q And this is from bank accounts, as well as a \$1.3 million
19 property in Miami?

20 A Yes, sir.

21 Q And this was before you even were extradited to America,
22 correct?

23 A I don't understand.

24 Q The seizure by the Americans of this \$12 million of cash
25 and property in 2012, that occurred before you were extradited

Cifuentes Villa - cross - Lichtman

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1 to America.

2 A No, sir. I was notified before, but I signed a
3 documentation where I signed away my interests while I was
4 already here in the United States.

5 Q And in June of 2013, the IRS seized another 101,000 in
6 cash from your bank accounts in Florida?

7 A Yes, sir.

8 Q And this occurred in June of 2013 before you began
9 cooperating with the Government?

10 A June 2013, I am -- no, sir.

11 Q Were you cooperating already by June of 2013 with the
12 Americans?

13 A No, sir. I had not been extradited to the United States
14 yet.

15 Q Right. And you just answered that the IRS seized another
16 101,000 in June of 2013?

17 THE COURT: Mr. Lichtman, "seized" is a potential
18 term of art, do you understand?

19 MR. LICHTMAN: Yes, Judge.

20 THE COURT: Okay. He may be thinking something
21 other than what you're thinking.

22 MR. LICHTMAN: Understood. I'll move on. Not
23 important.

24 BY MR. LICHTMAN:

25 Q You signed the cooperation agreement, as you said, in

Cifuentes Villa - cross - Lichtman

3290

1 March of 2015?

2 A Yes, sir.

3 Q Do you recognize this as your cooperation agreement?

4 A Can you read it for me?

5 THE INTERPRETER: He's asking the interpreter.

6 MR. LICHTMAN: It's Government's Exhibit 1?

7 Judge, this is already in evidence as 3500 JMCV-4.

8 THE COURT: All right. Will the Government
9 stipulate for the benefit of the witness that this is his
10 cooperation agreement?

11 MR. FELS: Yes, Your Honor.

12 THE COURT: Okay. This is your cooperation
13 agreement.

14 Go ahead, Mr. Lichtman.

15 (The above-referred to exhibit was published.)

16 BY MR. LICHTMAN:

17 Q Sir, that's your signature at the end of it?

18 A Yes, sir.

19 Q You obviously read this carefully before you signed it?

20 A Yes, sir, that's correct.

21 Q And contained within the cooperation agreement was a
22 consent preliminary order of forfeiture money judgment?

23 A Yes, sir. Yes, sir.

24 Q And that's what this is that I'm showing to the jury and
25 you right now?

Cifuentes Villa - cross - Lichtman

3291

1 A Is this the same paper that you had put up, or is this a
2 new one?

3 MR. FELS: Your Honor, we will stipulate that it's
4 the same document.

5 THE COURT: Okay. All right. So the witness is
6 advised that this is what Mr. Lichtman says it is.

7 THE WITNESS: Okay.

8 BY MR. LICHTMAN:

9 Q And this is your signature at the end of it?

10 A Yes, sir, that's correct.

11 Q And pursuant to that order of forfeiture as part of your
12 cooperation, you agreed to give up \$150 million to the
13 Government?

14 A Yes, sir, that's correct.

15 Q And it was through a \$150 million judgment against you,
16 correct?

17 A Yes, sir, that's correct.

18 Q And within that forfeiture agreement was even an address
19 for you to mail the check for \$150 million to the Government,
20 correct?

21 Pardon my bracket here.

22 A Yes, sir.

23 Q But you aren't paying \$150 million to the Government any
24 time soon after you signed this, are you?

25 A No, sir. I don't have the money.

Cifuentes Villa - cross - Lichtman

3292

1 Q You described it as an IOU on direct, correct?

2 A Yes, sir, that's correct.

3 Q The fact is you haven't given the Government a penny
4 since you were brought here and began cooperating, correct?

5 MR. FELS: Objection. Mischaracterizes the prior
6 testimony.

7 THE COURT: Well, I will let the witness answer.

8 A Can you repeat the question?

9 Q You have not -- since you have been cooperating -- when
10 did you start cooperating?

11 A When I arrived here in the United States. The first
12 meeting was at the beginning of 2014.

13 Q Since the beginning of 2014 until today, you haven't
14 given the Government a penny towards this \$150 million, have
15 you?

16 A No, sir, I have not paid it.

17 Q And you don't ever anticipate paying that \$150 million
18 off, do you, any of it?

19 A I don't have money, sir.

20 Q You claim that you provided to the Government all the
21 information and coordinates of your assets, correct?

22 A Yes, sir.

23 Q What do you mean by coordinates? You mean locations?

24 A Yes, sir, the locations.

25 Q And all the information of your bank accounts you

Cifuentes Villa - cross - Lichtman

3293

1 provided?

2 A Yes, sir.

3 Q And those accounts are located all over the world?

4 A Yes, sir.

5 Q And some of the properties that you own are not even in
6 your name, correct?

7 A That's correct, yes, sir.

8 Q For example, there's property in a town named La Pesca in
9 the state of Tamaulipas in Mexico.

10 A That's correct, yes, sir.

11 Q You paid for it with drug proceeds?

12 A Yes, sir.

13 Q Put it in someone else's name?

14 A Yes, sir, that's correct.

15 Q Whose name?

16 A Almada. I don't remember the last name.

17 Q How much did the property cost?

18 A At that time, about \$200,000, but today, it might be --
19 it might cost \$2 million.

20 Q And you don't know the name of the person who technically
21 owns the property, do you?

22 A No, sir.

23 Q So you were unable to give the name of the person who
24 owns it to the Government, correct?

25 A No, but I did give the information of who had possession

Cifuentes Villa - cross - Lichtman

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1 of the assets -- the properties.

2 Q You just said that you didn't know the person's name.

3 How could you have given them the name if you don't know the
4 name?

5 A One thing is who has their name on the paperwork, and the
6 other one is who has -- who is holding physically the
7 property.

8 Q Are you aware if the Government has seized and liquidated
9 that property on behalf of the money that you owe them?

10 A I don't know how that works, sir.

11 Q You also moved tens of millions of dollars through Swiss
12 bank accounts, correct?

13 A Yes, sir, that's correct.

14 Q Those Swiss bank accounts, they weren't in your name,
15 were they?

16 A Some were and some were not.

17 Q Did you provide the names of those who the accounts were
18 not in with the Government?

19 A Yes, sir, that's correct.

20 Q Did you provide account statements to the Government?

21 A No, sir.

22 Q How do we know that you don't have other accounts that
23 you didn't provide to the Government?

24 A Because I don't have any others.

25 Q But we are forced to trust your word that there are no

Cifuentes Villa - cross - Lichtman

3295

1 other Swiss accounts in straw men names?

2 A Yes, sir, because I am telling the truth.

3 Q Because you would never lie, correct?

4 A Here, I would not lie.

5 Q And as you said, you rarely lied in your day-to-day drug
6 trafficking days.

7 A That's correct, yes, sir.

8 Q But you would agree that you are somewhat -- and I use
9 this politely -- a devious man.

10 MR. FELS: Objection, Your Honor.

11 THE COURT: Sustained.

12 BY MR. LICHTMAN:

13 Q In fact, you once tried to send drugs to Holland in loads
14 of flowers, didn't you?

15 A Yes, sir, that's correct.

16 Q And you testified on direct the other day that you
17 suffered many financial losses learning how to run legitimate
18 businesses, correct?

19 A That's correct, yes, sir.

20 Q And since these were legitimate businesses, I assume you
21 have financial records for them.

22 A Yes, sir, that's true.

23 Q And you provided them all to the Government, I'm certain,
24 correct?

25 A Yes, sir. My attorney took care of that.

Cifuentes Villa - cross - Lichtman

3296

1 MR. LICHTMAN: Judge, I would ask for the production
2 of these financial records which we have not seen.

3 THE COURT: I will take it under advisement.

4 MR. LICHTMAN: Thank you.

5 BY MR. LICHTMAN:

6 Q Are you certain that, in fact, those financial records
7 from your so-called legitimate businesses have been turned
8 over to the Government?

9 A Yes, sir.

10 Q Well, how did you prove that you lost money in these
11 legitimate businesses? How did you prove that to the
12 Government?

13 A No, sir.

14 Q You didn't go through these financial records and prove
15 to the Government that you had financial losses in connection
16 with these so-called legitimate businesses of yours, did you?

17 A No, sir. The businesses had profit and earnings, but
18 that's once I learned how to do business. In the '90s, when I
19 started to set up companies, that was when I lost money. For
20 example, during time-share hotels --

21 Q Excuse me, sir?

22 A -- I lost \$20 million.

23 Q You lost \$20 million, okay.

24 Did you show the Government with the financial
25 records that you claim you turned over the \$20 million loss?

Cifuentes Villa - cross - Lichtman

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1 A The hotel was bought by Hotel Capital Bioni and -- so it
2 was International Vacation Club. It was sold to Capital Hotel
3 who belonged to Londono Bioni.

4 Q Sir, I'm going to ask this question, and I'm going to
5 break it down a little for you.

6 You claim that you lost \$20 million in connection
7 with this legitimate hotel business, correct?

8 A Several hotels, yes.

9 Q Several hotels.

10 And \$20 million is a lot of pesos, correct?

11 A Yes, sir, that's correct.

12 Q You told the Government that you lost \$20 million,
13 correct? "Yes" or "no" question.

14 A No, sir. I told them that I had lost approximately a
15 hundred million dollars.

16 Q You lost a hundred million dollars in connection with
17 these various hotels, correct?

18 A No, sir. With the hotels, it was 20. The other -- the
19 rest was with other businesses.

20 Q Okay. So you lost \$20 million in connection with hotels
21 and another 80 million in connection with other legitimate
22 businesses, you claim.

23 A That's correct, yes, sir.

24 Q So now we're up to a hundred million dollars --

25 THE COURT: Mr. Lichtman. Mr. Lichtman. You are

Cifuentes Villa - cross - Lichtman

3298

1 beyond the time that you previously said you would be.

2 MR. LICHTMAN: Judge, I'm aware. I'm near the end.

3 THE COURT: Well, are you five minutes from the end,
4 because if you're not, then we have out of turn witnesses to
5 take.

6 MR. LICHTMAN: Judge, you will tell me when to stop,
7 I will let you know exactly how much I have left, and I'm
8 prepared to allow them to put on law enforcement witnesses.

9 THE COURT: You have five minutes and then we'll
10 break.

11 BY MR. LICHTMAN:

12 Q You claim you lost a hundred million dollars in the
13 legitimate businesses, correct?

14 A Yes, sir, that's correct.

15 Q You told the Government that, correct?

16 A Yes, sir, that's correct.

17 Q Did you prove to the Government that with financial
18 records?

19 A No, sir.

20 Q Were you ever required by these prosecutors to fill out a
21 financial statement?

22 A Yes, sir.

23 Q You filled out a financial statement?

24 A I sent financial reports. I don't know whether they
25 speak about the same -- whether you are speaking about the

Cifuentes Villa - cross - Lichtman

3299

1 same thing.

2 MR. LICHTMAN: Judge, I would call, then, for the
3 production of financial reports.

4 THE COURT: If you have things you want, we will
5 talk about that during a recess or at sidebar.

6 MR. LICHTMAN: Thank you.

7 BY MR. LICHTMAN:

8 Q Now, on direct examination, you explained the accounting
9 records from drug transactions. Did you explain those during
10 direct?

11 A Yes, sir, that's correct.

12 Q And you had these records and you explained which showed
13 great detail of your drug-dealing expenses, correct?

14 A That's correct, yes, sir.

15 Q The Government asked you to explain those financial
16 records, correct?

17 A That's correct, yes, sir.

18 Q But you weren't asked to explain any financial records
19 that showed your hundred million dollars of legitimate
20 business losses.

21 A There's no accounting records of that money, so they have
22 not asked me to explain any of that.

23 Q You testified on Thursday that you committed an insurance
24 fraud when you rolled a helicopter off the side of a cliff?

25 A Yes, sir.

Cifuentes Villa - cross - Lichtman

3300

1 Q And you blamed it on Mr. Guzman.

2 A He gave me the money for that, sir.

3 Q You claimed that you gifted him this helicopter?

4 A Yes, sir, I did, but he did not pay the insurance.

5 Q Where are the records to support that purchase of that
6 helicopter?

7 A It is a Mexican -- a company called Iado Futuro. I don't
8 know where they are.

9 Q Did you tell that to the Government?

10 A Yes, sir. In fact, I gave the information of the Mexican
11 office, and I gave them also the information of Pilar Tamez
12 who --

13 THE INTERPRETER: T-A-M-E-Z, by interpreter.

14 A -- Pilar Tamez, who was my assistant in Mexico.

15 Q Did they show you those financial records that revealed
16 your purchase of that helicopter?

17 A No, sir.

18 Q Did they show you insurance records from the company that
19 made the payout for the insurance fraud that you committed?

20 A No, sir, they did not.

21 Q We have to rely on your word on this topic, don't we?

22 A Yes, sir, that's correct.

23 Q Just the way we needed to rely on your word with
24 Mr. Guzman as on that tape with the FARC representative,
25 correct?

Cifuentes Villa - cross - Lichtman

3301

1 A Yes, sir.

2 THE COURT: Mr. Lichtman, we are going to have to
3 break.

4 MR. LICHTMAN: Can I ask one more question before
5 the break?

6 THE COURT: Yes.

7 BY MR. LICHTMAN:

8 Q Are you aware, sir, if you know, that not a single penny
9 of drug proceeds has been found of Chapo Guzman's?

10 MR. FELS: Objection.

11 BY MR. LICHTMAN:

12 Q If you know.

13 THE COURT: Sustained.

14 Okay. Ladies and gentlemen, we need to reorganize
15 the courtroom again. If you would just wait in the hall for
16 about 90 seconds, we will bring you right back out.

17 (Jury exits.)

18 THE COURT: All right. Everyone be seated.

19 Marshals may take the witness out. The Government
20 may get its new witness in.

21 (Witness excused.)

22 THE COURT: Okay. Let's have the jury back.

23 (Jury enters.)

24 THE COURT: Everyone be seated. Ladies and
25 gentlemen, we are going to interrupt the cross-examination of

Proceedings

3302

1 the last witness for scheduling reasons, so we are going to
2 put that off to the side for a moment, and the Government is
3 going to call its next witness.

4 MR. NARDOZZI: Thank you, Your Honor. The
5 Government calls Pablo Unda Cusin.

6 THE COURTROOM DEPUTY: Please stand and raise your
7 right hand.

8 (Witness sworn.)

9 THE WITNESS: Yes, I swear.

10 THE COURTROOM DEPUTY: Please state and spell your
11 name for the record.

12 THE WITNESS: Pablo Enrique Unda Cusin.

13 THE COURTROOM DEPUTY: Spell that, please.

14 THE WITNESS: P-A-B-L-O E-N-R-I-Q-U-E U-N-D-A
15 C-U-S-I-N.

16 THE COURTROOM DEPUTY: Thank you. You may be
17 seated.

18 THE COURT: All right. You may inquire.

19 MR. NARDOZZI: Thank you, Your Honor.

20 **P A B L O E N R I Q U E U N D A C U S I N ,**

21 called as a witness, having been first duly
22 sworn/affirmed, was examined and testified as
23 follows:
24
25

Unda Cusin - direct - Nardoizzi

3303

1 DIRECT EXAMINATION

2 BY MR. NARDOZZI:

3 Q Good afternoon, sir. How are you today?

4 A Fine.

5 Q Sir, can you tell the ladies and gentlemen of the jury
6 where you work?

7 A I work for the Ecuadorian National Police.

8 Q And what is your job title there?

9 A Antinarcotics agent.

10 Q How long have you worked for the Ecuadorian National
11 Police?

12 A Sixteen years and six months.

13 Q And how much of that time have you spent in the
14 Antinarcotics Unit?

15 A Sixteen years.

16 Q Can you tell us briefly any special training that you've
17 received as a result of working in the Antinarcotics Unit?

18 A The basic antidrug course.

19 Q What does that entail, sir?

20 A Two months and some days of several topics like
21 surveillance, security, follow up, and other basic techniques
22 for drug control.

23 Q And can you tell the ladies and gentlemen of the jury
24 what your basic responsibilities and duties are as
25 antinarcotics officer of the Ecuadorian National Police?

Unda Cusin - direct - Nardoizzi

3304

1 A The constant daily battle against the sale and
2 distribution of drugs and illegal activities connected to this
3 crime.

4 Q Okay. Sir, I want to direct your attention to the date
5 of October 1st, 2009.

6 Were you working as a member of the Antinarcotics
7 Unit of the Ecuadorian National Police at that time?

8 A Yes.

9 Q And what was your duty on that date?

10 A Interception of operation together with the antinarcotic
11 group in the El Reventador sector.

12 Q What was the nature of that operation? What were you
13 doing specifically?

14 A Antinarcotic operations are carried out every day at that
15 time under orders of the chief of the unit at that time.

16 Q Okay. What kind of a patrol were you on that day?

17 A I don't understand.

18 Q Okay. Were you walking the streets as a beat cop? Were
19 you doing something else? What specifically were you doing
20 that day?

21 A That day I was verifying vehicles, checking out the
22 vehicles that were going by in the direction Lago Agrio,
23 Quito.

24 Q Sir, I'm going to show you what I marked for
25 identification as Government's Exhibit 506-24.

Unda Cusin - direct - Nardoizzi

3305

1 MR. PURPURA: No objection.

2 THE COURT: All right. That's received.

3 (Government's Exhibit 506-24 received in evidence.)

4 MR. NARDOZZI: Your Honor, defense counsel was kind
5 enough to agree not to object to any of the photographs that
6 are going to come in, so I will just move them in as I put
7 them on the screen, if that's okay with the Court.

8 THE COURT: Okay.

9 BY MR. NARDOZZI:

10 Q Sir, taking a look at this, can you tell us what this is?

11 A It's a map of Ecuador.

12 Q Okay. And using your finger on the screen, can you
13 indicate for the ladies and gentlemen of the jury where it is,
14 generally, you were working that day?

15 A Yes, in this area here (indicating).

16 Q Okay. Sir, let me just clear it because it looks like
17 there's a couple of marks. Can you try that again?

18 A (Indicating.)

19 Q Very good. Thank you.

20 Sir, can you tell us, did anything happen on that
21 date that brings you here to court to testify?

22 A Yes, that's right.

23 Q Okay. What happened that day?

24 A While we were carrying out the operation of road
25 interdiction, we received an order from my superior mayor --

Unda Cusin - direct - Nardoizzi

3306

1 Major Oscar Cavella to return back to our base to the unit to
2 rest without any -- we hadn't had any results of our operation
3 by that point.

4 (Continued on the following page.)
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Unda Cusin - direct - Nardoizzi

3307

1 DIRECT EXAMINATION

2 BY MR. NARDOZZI: (Continued.)

3 Q What happened next?

4 A And about three to five minutes into our return we
5 noticed the presence of two vehicles.

6 Q Can you describe these vehicles?

7 A A white truck and a red car.

8 Q What was it about the white truck and the red car that
9 caught your attention?

10 A That they suddenly did a U-turn.

11 Q And what did you do as a result?

12 A We approached -- I was driving and so we approached the
13 truck to indicate that it should pull over.

14 Q Okay, I'm going to show you what's marked and seek to
15 move into evidence, Government Exhibit 209-2.

16 THE COURT: Received.

17 (Government's Exhibit 209-2 was received in
18 evidence.)

19 (Exhibit published.)

20 BY MR. NARDOZZI:

21 Q Can you tell us what this is, sir?

22 A This is the truck.

23 Q This is the truck you saw that day?

24 A Yes.

25 MR. NARDOZZI: I'll seek to move Government's

Unda Cusin - direct - Nardoizzi

3308

1 Exhibit 209-1.

2 THE COURT: Received.

3 (Government's Exhibit 209-1 was received in
4 evidence.)

5 (Exhibit published.)

6 BY MR. NARDOZZI:

7 Q Sir, can you tell us what this is?

8 A It was the red vehicle.

9 Q As you approached the truck, what happened?

10 A The vehicle, after they turned suddenly, it left that
11 location speedily towards Lago Agrio.

12 Q Which one of vehicles left the location?

13 A The red vehicle, the automobile.

14 Q What did you do as a result of the red vehicle fleeing
15 the location?

16 A I called over the central radio to tell them that police
17 units belonging to the rural service who should proceed to
18 locate that vehicle.

19 Q Did you provide a description of the vehicle as well?

20 A Yes, I described the details, that it was a vehicle, an
21 automobile that was a red Toyota --

22 Q What happened?

23 A -- without license plates.

24 Q Very good, thank you.

25 What happened to the white vehicle indicated shown

Unda Cusin - direct - Nardoizzi

3309

1 in Government Exhibit 209-2?

2 A At the moment that it was indicated to it to pull over on
3 the right side, we were able to see that there were two
4 people, they wore military uniforms. As we were getting out
5 of our vehicle one of them got out of that vehicle,
6 specifically the passenger, and went on to run off into the
7 jungle that surrounds that area.

8 Q What happened next?

9 A For these reasons we indicated to the driver to get off
10 the vehicle and we realized that the doors had on them logos
11 for the Ecuadorian army.

12 Q Can you indicate on the screen, if you see it, where
13 those logos are.

14 A Here.(indicating)

15 Q So that circle, the red, blue and yellow concentric
16 circle, that's an Ecuadorian military logo?

17 A That's right.

18 Q What did you do next?

19 A When the driver got out and we did a search we found a
20 firearm under the driver's seat Beretta brand with the
21 ammunition and the magazine. I don't remember the amount.

22 Q Did you find anything else in the vehicle?

23 A Also a document, a vehicle identification document that
24 contained features that were similar to that truck. And also
25 vehicle identification plates that were civil.

Unda Cusin - direct - Nardoizzi

3310

1 Q Like a civilian plate for just a regular person who is
2 not in the military?

3 A Yes, the plate belonged to a civilian vehicle, it was not
4 a state plate.

5 Q What plates were affixed to the outside of the vehicle?

6 A They were yellow state plates --

7 Q When you say state?

8 A -- apparently.

9 Q When you say state, what do you mean by that?

10 A Meaning that it belonged to the Ecuadorian army.

11 Q Okay. Did you make any other observations about the
12 vehicle at that time?

13 A At that time we realized that the back tires were low,
14 which it appeared that it was loaded up. So when we went on
15 to search it, the back part of the truck.

16 Q Can you indicate the part you went to search on the
17 picture?

18 A All of this.(indicating)

19 Q When you looked inside the back and the door, what did
20 you find?

21 A It was empty.

22 Q So it looked like it was weighted but the truck appeared
23 empty, what did you think of this?

24 A What we started to do was to search the sidewalls and the
25 top wall and we found that the existence of compartments

Unda Cusin - direct - Nardoizzi

3311

1 inside those walls.

2 Q How did you find that?

3 A The walls were very wide, excessively so.

4 Q So what did you do as a result?

5 A At that time my lieutenant Santacruz Angel, asked Luis
6 Jimenez, my second, who was a canine guy, he asked them to do
7 a search with the canine. His name was Zeus.

8 Q Go ahead.

9 A And this produced a positive signal on the walls of the
10 truck.

11 Q When you say "canine," you're talking about a
12 drug-sniffing dog, right?

13 A That's right.

14 Q So what did you do next?

15 A At the time when the dog gave a positive signal, I took a
16 screwdriver and I made a small opening on the truck and this
17 allowed me to observe that inside there was a package that was
18 wrapped up with tan colored tape. So I indicated to my
19 lieutenant, Santacruz, and he communicated to his superiors
20 and to the authorities of this proceeding.

21 Q When you say you looked inside, are we talking about
22 inside the walls of the vehicle?

23 A That's right.

24 Q What did you do next?

25 A At that point I heard on the radio my Lieutenant Alvarez,

Unda Cusin - direct - Nardoizzi

3312

1 who was in charge of the sector, of that sector for the rural
2 police service, he indicated at that moment they had located
3 the red vehicle.

4 Q All right. As a result of this, what did you do?

5 A At that moment we decided to go down to, like go on to
6 the location where the other vehicle was located.

7 Q How long did it take you to get there?

8 A Between 15 and 20 minutes approximately.

9 Q What did you see when you arrived?

10 A A red vehicle that was the same one that had been seen at
11 the moment when we intercepted the truck.

12 Q Showing you again Government Exhibit 209-1, is this that
13 vehicle?

14 A Yes.

15 Q What else did you see when you arrived?

16 A The vehicle was being guarded by police officers and its
17 three occupants were outside of the vehicle.

18 Q Who were those three occupants?

19 A I don't recall their names that well, but among them was
20 Telmo Castro, Mr. Telmo Castro.

21 Q I'm going to show you what's marked as Government
22 Exhibit 209-3 and seek to move that in without objection.

23 THE COURT: Received.

24 (Government's Exhibit 209-3 was received in
25 evidence.)

Unda Cusin - direct - Nardoizzi

3313

1 Q Do you recognize these individuals, sir?

2 A Four of them.

3 Q A moment ago you mentioned someone by the name of Telmo
4 Castro, do you recognize him in this photograph?

5 A Yes.

6 Q Can you circle his head for us.

7 A (Witness complies.)

8 Q You were present on scene with Telmo Castro who's in
9 custody, did you have an opportunity to talk to him or hear
10 him speak in your presence?

11 A Yes.

12 Q What, if anything, did Telmo say?

13 A What he said at the time when we were in presence of the
14 Lieutenant Angel Santacruz and commander Oscar Gavela, he
15 spoke about information in relation with substances in other
16 cities.

17 Q Do you recall what cities?

18 A Quito.

19 Q How about the white truck, did you see the white truck
20 again that day?

21 A Yes.

22 Q Where did you next see the white truck?

23 A When we were at the place where Telmo Castro had already
24 been detained with the other two occupants, then the truck
25 arrived being guarded by my colleagues, and we all went on a

Unda Cusin - direct - Nardoizzi

3314

1 convoy to the anti-narcotics unit.

2 Q With the truck?

3 A With the truck.

4 Q And what happened at the anti-narcotics unit with the
5 truck?

6 A Once there in the presence of the authorities, the
7 prosecutor who was on duty, and the judge on duty we proceeded
8 to search the vehicles completely.

9 Q In what area of the vehicle did you search specifically?

10 A When it comes to the truck the entire box of the truck
11 from which we proceeded to remove 492 packages.

12 Q What shape were those packages in?

13 THE INTERPRETER: Can you repeat the question for
14 the interpreter.

15 Q What shape were those packages?

16 A Like bricks which contained a white substance, which is
17 why we proceeded to conduct the field test in the presence of
18 the gentlemen who had been detained and the authorities, which
19 turned out positive for cocaine with a total weight, gross
20 weight of 539,232 grams.

21 Q Do you know what that is in kilograms?

22 A Half a ton, a little more than a half of a ton.

23 Q I think we converted it to the English system there.

24 Do you know what 539,000 grams is in kilograms?

25 A No, no, I don't understand.

Unda Cusin - direct - Nardoizzi

3315

1 Q Okay, I'll move on.

2 Before we talk about the weight of the drugs, I have
3 209-2 on the screen. Can you tell us, if you can see in this
4 picture, where the drugs were recovered from?

5 A From this side here, from this part here.(indicating)

6 Q And that white area up here that you've put this red mark
7 on it, I'll put a mark on it right now, that's the outside
8 wall of the truck; is that correct?

9 A Yes, this one here, yes --

10 Q Sir --

11 A -- and the top part also.

12 Q Understood.

13 Sir, I want to show you what's marked as Government
14 Exhibit 209-42 and I'd seek to move this into evidence at this
15 time without objection.

16 THE COURT: Received.

17 (Government's Exhibit 209-42 was received in
18 evidence.)

19 (Exhibit published.)

20 BY MR. NARDOZZI:

21 Q Sir, can you tell us what this is?

22 A Those are all the packages that were removed from the
23 lateral walls and the top wall of the box of the truck.

24 Q How long did it take you to move those packages on that
25 date?

Unda Cusin - cross - Purpura

3316

1 A About four hours, three to four hours approximately.

2 Q And after they were field tested and weighed at the
3 anti-narcotics headquarters, where were they taken?

4 A They were -- an entry was made as proof and they were
5 taken to the anti-narcotics -- to the warehouses of the
6 anti-narcotics unit under the chain of command.

7 MR. NARDOZZI: I don't have any further questions.

8 THE COURT: All right. Any cross?

9 MR. PURPURA: Just a few if I may, Your Honor.

10 THE INTERPRETER: Interpreter's correction. On the
11 chain of custody.

12 THE COURT: Do you have a microphone?

13 MR. PURPURA: I'll get one.

14 THE COURT: I just know you like to walk around.

15 MR. PURPURA: I'll be really quick.

16 CROSS-EXAMINATION

17 BY MR. PURPURA:

18 Q Good afternoon, Mr. Unda Cusin.

19 A Good afternoon.

20 Q First time in a United States court?

21 A Yes.

22 Q Certainly the first time you've ever testified before a
23 jury, correct?

24 A Here, yes.

25 Q Well, first, welcome to the United States.

Unda Cusin - cross - Purpura

3317

1 A Thank you.

2 Q Now I have to ask you, the canine dog was Dios, correct?

3 A Zeus, yes.

4 Q I'm sorry, maybe I misunderstood.

5 THE COURT: Well, you're saying "Dios," I think the
6 witness is saying "Zeus."

7 MR. PURPURA: Zeus.

8 Q Is it Zeus or Dios. There's a big difference, God is --
9 they're both God.

10 THE COURT: Actually it's not that big of a
11 difference.

12 MR. PURPURA: You're right.

13 THE WITNESS: Zeus, Zeus.

14 BY MR. PURPURA:

15 Q Thank you. We'll move on from that then.

16 Now the cocaine -- excuse me. Putting up what's
17 already in evidence Government Exhibit 504. All right.
18 Ecuador is contiguous to Colombia, correct?

19 A Correct.

20 Q Ecuador, like Colombia, is a coca-producing country,
21 correct?

22 A That could be.

23 Q You are an Ecuadorian narcotics police officer, correct?

24 A Yes.

25 Q And you know that in your country there are coca fields

Unda Cusin - cross - Purpura

3318

1 and cocaine is produced?

2 A Yes.

3 Q And so as part of your interdiction -- strike that. This
4 is not the first cocaine interdiction you were involved with,
5 is it, sir, on October 3rd, 2009?

6 A October 1st.

7 Q Is this the first time in October of 2009, this
8 particular seizure, is this the only cocaine seizure you've
9 ever been involved in?

10 A There were a few.

11 Q Okay, I'm sure. And that's part of your job, that's part
12 of your job as an narcotics officer to interdict or seize
13 cocaine coming from Ecuador, correct?

14 A Correct.

15 Q On these particular kilos which were seized in this
16 October of 2009 seizure, were there any impressions or stamps
17 on these kilos?

18 A I don't recall that -- well, there were some but I don't
19 remember that well the um...

20 Q As part of an Ecuadorian narcotics police officer, do
21 you -- would you keep a record if there was either an
22 impression, meaning like a pressed in stamp on the kilo or
23 some sort of writing on the kilo such as 888, 666, something
24 else?

25 A Some of them had some, but I don't remember specifically

Quisilema - direct - Nardozzi

3319

1 the marks, I don't remember.

2 Q Showing you Exhibit 209-3, this group here, they don't
3 look particularly happy in this photograph, do they? That was
4 kind of rhetorical you don't have to answer it.

5 Which one of these guys stood up and said they were
6 his drugs.

7 A None of them.

8 Q And like them, you don't know who purchased those drugs
9 or those kilos, do you?

10 A No.

11 Q And you don't know who the recipient of those drugs were
12 going to be just like them, do you, sir?

13 A No.

14 MR. PURPURA: Thank you very much. I have no
15 further questions.

16 THE COURT: Any redirect?

17 MR. NARDOZZI: No, Your Honor.

18 THE COURT: You may step down. Thank you very much.
19 (Witness excused.)

20 THE COURT: The government may call its next
21 witness.

22 MR. NARDOZZI: Thank you, Your Honor, the
23 government's next witness is Fernanda Patricia Jaya Quisilema.

24 THE COURT: How we doing on the government's next
25 witness?

Quisilema - direct - Nardozzi

3320

1 MR. NARDOZZI: I'm sorry, it will take them just one
2 more moment. I apologize for the delay.

3 THE COURT: Okay.

4 (Witness sworn.)

5 F E R N A N D A P A T R I C I A J A Y A Q U I S I L E M A ,
6 called as a witness, having been first duly sworn/affirmed,
7 was examined and testified as follows:

8 THE WITNESS: Yes, I swear.

9 THE COURTROOM DEPUTY: Please state and spell your
10 name for the record.

11 THE WITNESS: Fernanda Patricia Jaya Quisilema.
12 Fernanda is F-E-R-N-A-N-D-A. Patricia P-A-T-R-I-C-I-A. Jaya
13 is J-A-Y-A. Quisilema is Q-U-I-S-I-L-E-M-A.

14 THE COURT: All right, you may inquire.

15 MR. NARDOZZI: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. NARDOZZI:

18 Q Good afternoon, ma'am, how are you today?

19 A Fine, thank you.

20 Q Ma'am, can you tell us where you're currently employed?

21 A In the General Prosecutor's Office of the country of
22 Ecuador.

23 Q What is your job title?

24 A I am secretary or assistant to the prosecutor.

25 Q And what are your job duties in that role?

Quisilema - direct - Nardozzi

3321

1 A To go with the prosecutor to any errands or anythings
2 that needs to be done related to the investigations. To
3 create the minutes for the actions of the prosecutor, and
4 coordinate actions with police for investigations.

5 Q How long have you been with the General Prosecutor's
6 Office in Ecuador?

7 A Approximately 12 years.

8 Q What is your current assignment there?

9 A I am assigned to the department of domestic gender
10 violence.

11 Q How long have you been in that assignment?

12 A Seven years.

13 Q And prior to that assignment, what other unit were you
14 assigned to?

15 A To the anti-narcotics and organized crime unit.

16 Q What city in Ecuador is this located in?

17 A In Quito, which is the capital of Ecuador.

18 Q So that would mean in October of 2009 you were assigned
19 to the anti-narcotics unit; is that correct?

20 A Correct.

21 Q What happened in October of 2009 that brings you to
22 testify today?

23 A On the morning of the third of October I was on duty
24 together with the prosecutor, Jose Miguel Jimenez. They told
25 us -- they notified us from the prosecutor's office in

Quisilema - direct - Nardozzi

3322

1 Sucumbios, that they were going to send us some search orders
2 that were going to be sent -- carried out in the city of
3 Quito.

4 Q I'm going to show you what's already in evidence as
5 Government Exhibit 506-24.

6 Can you show us where Quito is on this map?

7 A Here.(indicating)

8 Q Can you show us where the prosecutor's office in
9 Sucumbios is on the map.

10 A (Indicating)

11 Q About how far away is Sucumbios from Quito?

12 A Approximately eight hours over land.

13 Q Did you know why they had acquired a search warrant for
14 something in Quito despite the fact that they're based in
15 Sucumbios?

16 A Because the previous day in Sucumbios there had been an
17 arrest and information had been provided about a place where
18 drugs were being collected in Quito.

19 Q Do you know who provided that information?

20 A Captain Telmo Castro. He was military in Ecuador.

21 Q As a result of the search warrant that you received from
22 the prosecutors in Sucumbios, what did you do next?

23 A In the afternoon the police was doing all of the tasks
24 that were required to get organized and get ready for when
25 they arrived from Sucumbios. And at 5 p.m. we went to the

Quisilema - direct - Nardozzi

3323

1 location of a residence where the address was B96846 Elosarupo
2 in Quito, in the city of Quito.

3 Q Was this the location that was listed on the search
4 warrant?

5 A Yes, that was the address of the property.

6 Q What happened when you arrived at that location?

7 A First of all, the police went in to make sure that there
8 was no danger for myself or the prosecutor, and then we
9 entered the property.

10 Q First, our system here in the United States is different,
11 but is it common for a person who works for the prosecutor's
12 office to go and execute a search warrant in Ecuador?

13 A The police cannot enter anywhere to do a raid without the
14 presence of the prosecutor and his assistant.

15 Q And his assistant being you, correct?

16 A Yes.

17 Q I'm going to show you what's marked as Government
18 Exhibit 209-5 and I'd ask to move it into evidence without
19 objection.

20 MR. PURPURA: No objection.

21 THE COURT: Received.

22 (Government's Exhibit 209-5 was received in
23 evidence.)

24 (Exhibit published.)

25 BY MR. NARDOZZI:

Quisilema - direct - Nardozzi

3324

1 Q Can you tell the ladies and gentlemen of the jury what
2 we're looking at here in Government Exhibit 209-5?

3 A It is a photograph of the property that we entered on the
4 3rd of October, 2009 at 5 p.m.

5 Q I'm going to show you what's marked as Government
6 Exhibit 209-7. Ask to move this into evidence.

7 THE COURT: Received.

8 (Government's Exhibit 209-7 was received in
9 evidence.)

10 GOVT 209-7

11 (Exhibit published.)

12 BY MR. NARDOZZI:

13 Q Ma'am, can you tell us what we're looking at in this
14 photograph?

15 A It is a photograph of part of the property that we went
16 into.

17 Q And in this area here that I'm circling specifically,
18 what is that area?

19 A It was a type of garage and it provided the entry that we
20 went through to enter the property.

21 Q Showing you what's marked as Government Exhibit 209-8.
22 Seek to move this into evidence as well, Your Honor.

23 THE COURT: Received.

24 (Government's Exhibit 209-8 was received in
25 evidence.)

Quisilema - direct - Nardozzi

3325

1 (Exhibit published.)

2 BY MR. NARDOZZI:

3 Q What are we looking at here?

4 A This is the inside of the garage that we saw in the
5 previous photograph and this is the area where we entered the
6 property.

7 Q So you testified a moment ago that the police went in to
8 clear the residence first, correct?

9 A Correct.

10 Q How long did that search take?

11 A It's immediate, it's one minute maximum.

12 Q So they came back out and you entered; is that correct?

13 A Yes.

14 Q What happened when you entered the residence?

15 A The first thing we tried to do is to enter the second
16 floor of the residence. In the landing, as we were going up
17 the stairs, the prosecutor and myself we were going up, and a
18 man came out, he was hiding. His name is Cristian Gallegos
19 and he pointed at us with a gun.

20 Q What happened next?

21 A Because we were together with more policemen, they
22 immediately subdued him.

23 Q Anybody hurt?

24 A No, it was immediate. Like we saw him and they
25 immediately subdued him.

Quisilema - direct - Nardozzi

3326

1 Q All right. So after Gallegos was restrained, what did
2 you do next?

3 A So then we went up to the second story of the house. We
4 went into a room that had two beds in it and inside the
5 bedroom there was a bathroom and in the part where the bathtub
6 was we found 26 black sacks.

7 Q I'm going to show you what is marked as Government
8 Exhibit 209-9, I'd ask to move that into evidence, Your Honor.

9 THE COURT: That's received.

10 (Government's Exhibit 209-9 was received in
11 evidence.)

12 (Exhibit published.)

13 BY MR. NARDOZZI:

14 Q Do you recognize this?

15 A Yes.

16 Q What do we see here?

17 A We see the bathroom about which I just explained, that is
18 the bathroom that was inside the bedroom.

19 Q Showing you what's marked as Government Exhibit 209-10.
20 I'd ask to move this into evidence as well.

21 THE COURT: Received.

22 (Government's Exhibit 209-10 was received in
23 evidence.)

24 (Exhibit published.)

25 BY MR. NARDOZZI:

Quisilema - direct - Nardozzi

3327

1 Q Do you recognize this?

2 A Yes.

3 Q What do we see here?

4 A This is the bathtub here where we found all the burlap,
5 the black burlap sacks.

6 Q And when you found them, were they stacked exactly like
7 this or had they been moved in any way?

8 A The photograph shows the sacks exactly how we found them
9 because the crime scene unit takes the photograph exactly as
10 the evidence is found.

11 Q Is that what that little yellow number 1 is doing over
12 here?

13 A The crime scene unit places that there to be able to take
14 a photograph of the evidence exactly how it was found at the
15 time.

16 Q Showing you what's marked as Government Exhibit 209-11
17 and ask to move it into evidence.

18 THE COURT: Received.

19 (Government's Exhibit 209-11 was received in
20 evidence.)

21 (Exhibit published.)

22 BY MR. NARDOZZI:

23 Q What is this?

24 A It's a photograph of the bails once outside of the
25 bathroom.

Quisilema - direct - Nardozzi

3328

1 Q Did you find anything else as you were searching the area
2 that day?

3 A Yes. In between the two beds there was a suitcase with
4 money in it, approximately \$114,000. And there was a weapon
5 under the mattress and several documents.

6 Q I'm going to show you what's marked as Government
7 Exhibit 209-13 and ask to move that into evidence.

8 THE COURT: Received.

9 (Government's Exhibit 209-13 was received in
10 evidence.)

11 (Exhibit published.)

12 BY MR. NARDOZZI:

13 Q What are we looking at here?

14 A The suitcase with the money that I spoke about before and
15 the documents.

16 Q What kind of currency was in the suitcase?

17 A 114,000 American dollars, approximately.

18 Q And just to be fair, what is the national currency in
19 Ecuador?

20 A American dollars.

21 Q You said you also found some documents in the house that
22 day?

23 A Yes.

24 Q Did any of those documents indicate in any way who
25 possessed the house?

Quisilema - direct - Nardozzi

3329

1 A We found a receipt for a deposit to rent the apartment
2 for \$2,000 and the person who had made the deposit was Jaime
3 Alberto Roll Cifuentes.

4 Q Did you find any other documentation in the house that
5 day? Did you find any other documentation in the house that
6 day?

7 A Several documentation that once we proceeded with the
8 investigation we came to realize that the house was being used
9 as a front for a company that manufactured tents, and the
10 person -- the people --

11 MR. PURPURA: Your Honor, with respect, objection.

12 I'm --

13 THE COURT: Just one word.

14 MR. PURPURA: Hearsay.

15 THE COURT: Sustained.

16 MR. NARDOZZI: I can move on.

17 THE COURT: I was expecting you earlier.

18 MR. PURPURA: Well, I was just giving him some
19 leeway.

20 BY MR. NARDOZZI:

21 Q Ma'am, let's talk about the drugs. I put Government
22 Exhibit 209-11 on the screen. These are the black burlap bags
23 you told us about.

24 How were the drugs packaged inside the black burlap
25 bags?

Quisilema - direct - Nardozzi

3330

1 A As we can see, they were inside a black sack and inside
2 the black sack the bricks were placed in order, one on top of
3 the other, and they were wrapped around by a wide plastic.
4 There were 20 packages in each bag. The packages were also --
5 had been also wrapped in a white -- in a yellow wrap like
6 Scotch tape, black wrap, then again white wrap, then clear
7 wrap, and then it was the substance was there.

8 Q I'm going to show you what I've marked as Government
9 Exhibit 209-16 and I'd ask to move that into evidence.

10 THE COURT: Received.

11 (Government's Exhibit 209-16 was received in
12 evidence.)

13 (Exhibit published.)

14 BY MR. NARDOZZI:

15 Q Do you see all the different elements that you just
16 described in this photograph?

17 A Yes.

18 Q Can you walk through and indicate it for the jury.

19 A This is the black sack in which the bricks were found.
20 And this is the white plastic wrap that kept the bricks
21 together.

22 Q And then below that is?

23 A So below that all the bricks were in order. They had
24 been packaged in several layers of plastic, as I said before.

25 Q And these markings that we see on the bricks here, are

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1 these markings that were placed on the bricks by you for
2 inventory purposes, or were they already there?

3 A No, those were made to be able to count the bricks.

4 Q After the bricks were recovered, what did you do next?

5 A So we had brought equipment to conduct field tests. So
6 we took samples of some of the bricks.

7 MR. PURPURA: Your Honor, we'll stipulate that it
8 was cocaine.

9 THE COURT: Okay. It is stipulated between the
10 parties that these bricks, ladies and gentlemen, were in fact
11 cocaine.

12 BY MR. NARDOZZI:

13 Q After the bricks of cocaine were recovered at that
14 location, where were they taken?

15 A To anti-narcotics headquarters in Pichuncha.

16 Q Did you accompany the drugs there?

17 A Yes, we went in a convoy.

18 Q And how many total bricks were recovered that day?

19 A 530.

20 Q At anti-narcotics headquarters were those bricks weighed?

21 A Yes, they were both weighed and tested.

22 Q If you recall, what was the total weight of the bricks
23 recovered that day, October 3rd, 2009?

24 A 593 kilos of cocaine.

25 MR. NARDOZZI: Your Honor, I see the time, if the

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1 Court is inclined to take a break this afternoon this might be
2 a good spot.

3 THE COURT: Do you have a lot more?

4 MR. NARDOZZI: I do, Your Honor. There are couple
5 of more days of drug seizures.

6 THE COURT: Okay. Then we'll take a break, ladies
7 and gentlemen, please don't talk about the case. We'll come
8 back here at a quarter to four.

9 (Jury exits courtroom.)

10 THE COURT: Recess 15 minutes.

11 (Recess.)

12 (Continued on the next page.)

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1 (In open court; 3:54 p.m.)

2 (Defendant enters the courtroom at 3:54 p.m.)

3 COURTROOM DEPUTY: All rise.

4 THE COURT: Let's have the jury back, please.

5 COURTROOM DEPUTY: Jury entering.

6 (Jury enters courtroom at 3:54 p.m.)

7 THE COURT: All right. Be seated, please. Let's
8 continue with direct.

9 EXAMINATION

10 BY MR. NARDOZZI:

11 (Continuing.)

12 Q All right, ma'am. So you concluded the search on
13 October 3rd.

14 Did you have an opportunity to speak to the property
15 owner that day?

16 A Yes. We did take a statement.

17 Q And when you took the statement from the property owner,
18 did he indicate to you who was renting the residence from him?

19 MR. PURPURA: Objection.

20 THE COURT: Sustained.

21 Q What did he tell you about the inhabitants of the
22 residence, if anything?

23 MR. PURPURA: Objection.

24 THE COURT: Sustained.

25 MR. NARDOZZI: Can I have a moment, your Honor?

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1 THE COURT: Sure.

2 (A brief pause in the proceedings was held.)

3 EXAMINATION

4 BY MR. NARDOZZI:

5 (Continuing.)

6 Q Did the property owner provide you with any documentation
7 regarding the inhabitants of the residence?

8 A Yes, they gave us the original of a lease agreement.

9 MR. NARDOZZI: I'm going to put on the screen what's
10 marked as Government Exhibit 209-41. I will introduce that in
11 evidence without objection.

12 THE COURT: Okay. Received 209-41.

13 (Government's Exhibit 209-41 was received in
14 evidence as of this date.)

15 Q Can you tell us what that is?

16 A It is a lease agreement by which Jorge Ramiro Campuzano
17 Mantilla rents out the property to Jaime Alberto Roll
18 Cifuentes. The same property where we had searched.

19 Q I'm going to turn to Page 3 of this exhibit. Page 2,
20 excuse me. The signature is at the bottom. Whose signatures
21 are those? The names are listed on the signatures?

22 A Jorge Campuzano as the owner of the house. And Jaime
23 Alberto Roll Cifuentes as the tenant.

24 Q Turning to Page 3 of this document. What do we see here?

25 A Copy of the passport of Jaime Cifuentes.

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1 Q This was provided to you with that lease document by the
2 land owner?

3 A Yes. They gave us the lease agreement along with a copy
4 of the passport because the document had been notarized,
5 legalized, in front of landlord and tenant court.

6 Q Okay. Was October 3rd the last time you visited that
7 house?

8 A No.

9 Q When did you go back?

10 A We went back on October 4th, '09 at 1:00 in the morning.

11 Q Why did you go back?

12 A The police --

13 MR. PURPURA: Objection.

14 THE COURT: Overruled.

15 MR. PURPURA: The word hearsay, again. As a result?

16 THE COURT: I'm not hearing hearsay yet.

17 MR. PURPURA: All right.

18 THE COURT: No. Overruled.

19 Q You can continue.

20 A So we attended a call from the police. We went back to
21 the residence because, while conducting the inventory, the
22 police officers had found a wall that the owner did not
23 recognize as having been built there before.

24 Q All right. When you returned to the house, what did you
25 observe?

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1 A On the ground floor, there was a section like a workshop.
2 And in a part of the house where a bathroom had been before, a
3 false wall had been built.

4 Q I'm showing you what's marked as
5 Government Exhibit 209-19 and ask that that be received in
6 evidence.

7 THE COURT: Received.

8 (Government's Exhibit 209-19 was received in
9 evidence as of this date.)

10 Q Can you tell us what we're looking at here?

11 A It is an enlarged photograph of the place where the
12 bathroom was.

13 Q Okay. I'm going to show you what's marked as
14 Government Exhibit 209-20.

15 What do we see here?

16 A So the police, once the prosecutor and myself were there,
17 they began to knock down the wall. And this is a picture of
18 that.

19 Q Okay. I'm going to show you now?

20 THE COURT: You wanted this offered?

21 MR. NARDOZZI: I'm sorry, your Honor, I apologize.
22 Ask that this be moved into evidence.

23 (Government's Exhibit 209-20 was received in
24 evidence as of this date.)

25 Q I'm going to show you what's marked as 209-21 and ask to

Quisilema - Direct/Mr. Nardozzi

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1 move this in evidence as well.

2 THE COURT: Received.

3 (Government's Exhibit 209-21 was received in
4 evidence as of this date.)

5 Q What do we see here today?

6 A That is the entrance to the bathroom once the wall had
7 been knocked down completely.

8 Q Now, what do we see inside the entrance to the bathroom?

9 A Black sacks with the same structure that I had mentioned
10 before inside the bathroom. The bathroom was completely full
11 with this.

12 Q Is this the way that the sacks were situated when you
13 encountered them on October 4th?

14 A Yes. That is the way in which they had been positioned.

15 Q How many sacks were there in that area in total?

16 A 102.

17 Q Okay. And I want to show you what is marked as
18 Government 209-39 and I ask to move this into evidence.

19 THE COURT: Received.

20 (Government's Exhibit 209-39 was received in
21 evidence as of this date.)

22 Q What are we looking at here?

23 A We see in detail the sacks in the outside of the
24 bathroom. And this is the way in which the bricks had been
25 packaged. Just the same way as we had found the previous

Quisilema - Direct/Mr. Nardozzi

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1 time.

2 Q Okay.

3 I want to show you what's marked as
4 Government Exhibit 209-38 and ask to move this in evidence,
5 your Honor?

6 THE COURT: Received.

7 (Government's Exhibit 209-38 was received in
8 evidence as of this date.)

9 MR. NARDOZZI: You continue to stipulate?

10 MR. PURPURA: No objection.

11 MR. NARDOZZI: This is a continued stipulation that
12 this is, in fact, cocaine.

13 THE COURT: The jury is required to accept that.

14 Q What did you do with the cocaine that was recovered on
15 October 4th after you took it in the house?

16 A It was taken to the antinarcotics headquarters
17 Pinchincha.

18 Q Did you accompany it there?

19 A Yes, on a convoy the same way. Because at that time the
20 prosecutor's offices were also in the antinarcotics
21 headquarters.

22 Q How many bricks were recovered in total on October 4,
23 2009?

24 A 2,027, approximately, bricks.

25 Q Were the bricks weighed at the antinarcotics

Quisilema - Direct/Mr. Nardozzi

3339

1 headquarters?

2 A Yes, they were weighed and tested.

3 Q What was the total weight of the bricks recovered on
4 October 4, 2009?

5 A 2,322 kilos of cocaine.

6 Q Okay. You didn't go back to the house again, did you?

7 A Yes, I did. I went.

8 Q I thought you were going to say that.

9 When did you go back.

10 A On October 9, 2009.

11 Q And tell the ladies and gentlemen of the jury what you
12 found when you went back to the house on October 9, 2009?

13 A So while the police was getting ready to return the
14 property to its owner, the owner realized that on the second
15 floor there was an additional wall which he had not built
16 there.

17 Q Okay. As a result of that realization, what did you do?

18 A The police called us and prosecutor Paola Cordova and I
19 went there. And in our presence, the wall was knocked down.
20 And we found in another area that had -- that was to be used
21 as a bathroom we found again the black sacks.

22 Q How many black sacks did you find that day October 9,
23 2009?

24 A 202.

25 Q After the 202 bags were recovered, where were they taken?

Quisilema - Direct/Mr. Nardozzi

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1 A To the antinarcotics headquarters in Pinchincha.

2 Q Did you accompany them there?

3 A Yes. Yes we went together.

4 MR. NARDOZZI: Your Honor, there is a continued
5 stipulation that the items inside the bags are indeed cocaine.

6 THE COURT: The jury is accordingly instructed.

7 Q Were the bags --

8 First of all, how many bricks are there in total
9 when you he took them back to the antinarcotics headquarters?

10 A 4,044 blocks.

11 Q And were the bricks weighed at the antinarcotics
12 headquarters that day?

13 A Yes, they were weighed and tested.

14 Q What was the total weight of the bricks recovered that
15 day?

16 A Approximately 4,500 kilos of cocaine.

17 Q I'm going to show you what's marked as
18 Government Exhibit 209-34 and ask to move this in evidence.

19 THE COURT: Received.

20 (Government's Exhibit 209-34 was received in
21 evidence as of this date.)

22 Q What do we see here?

23 A We see a complete view of the total amount of bricks that
24 we found during the three visits to the house.

25 Q In total, what is the weight of the three separate

Quisilema - Cross/Mr. Purpura

3341

1 seizures: October 3rd, October 4th, and October 9th from the
2 house in Quito that you have been telling us about?

3 A Approximately seven and a half tons of cocaine.

4 Q And in terms of your career working in antinarcotics,
5 where does this seizure rate against other seizures you have
6 been a part of?

7 A It is the largest seizure we've done.

8 Q Okay.

9 MR. NARDOZZI: I don't have any further questions.

10 THE COURT: All right. Any cross?

11 CROSS-EXAMINATION

12 BY MR. PURPURA:

13 Q Good afternoon, ma'am.

14 A Good afternoon.

15 Q Just quickly, Government Exhibit 209-5, which is already
16 in evidence, this apparently is the house that keeps on
17 giving, correct?

18 In other words, you found a lot of cocaine there on
19 three different times?

20 A Yes, it's the house where we found the cocaine.

21 Q And 209-41, this is the contract for the rental of that
22 house; correct?

23 A Yes.

24 Q This is not a contract for the rental of a warehouse;
25 correct?

Quisilema - Cross/Mr. Purpura

3342

1 A No, it was a residence but it was going to be used here
2 for the manufacture of boxes for trucks, dry goods, and
3 similar items.

4 Q And at the time when the house was entered, it appeared
5 it was still in use as a residence; is that correct?

6 A As a workshop and residence.

7 Q Thank you.

8 And showing you Government Exhibit 504, which is a
9 corrected map. Apparently, there was a misspelling of the
10 Dominican Republic which has been corrected.

11 Ecuador, as we heard before, is contiguous and below
12 Colombia; correct?

13 A Correct.

14 Q And you know from your years of service that Ecuador is a
15 cocaine-producing country much like Colombia; correct?

16 A No, Ecuador is a place that cocaine goes through.

17 Q So let me make sure I understand what you're telling me.

18 You have no knowledge in your position that Ecuador
19 is a cocoa-producing country?

20 A We have found some labs in Ecuador, but most of the drugs
21 that are in Ecuador come from Colombia.

22 Q And -- very good. How do you know the drugs come from
23 Colombia?

24 A Because we don't have fields of cocoa.

25 Q You know, please, you know that in Ecuador there are

Quisilema - Cross/Mr. Purpura

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1 fields of cocoa, correct, ma'am?

2 MR. NARDOZZI: Let the witness answer.

3 A Yes, but they're all at the border and it's a small
4 amount. Ecuador is a thruway for cocaine.

5 Q I understand what you're saying and I guess the bottom
6 line is you do agree because you said *Sí* that Ecuador does
7 produce cocoa, correct? *Sí* or no? *Sí* or no?

8 MR. NARDOZZI: Your Honor, it's asked and answered.

9 THE COURT: No, I'll let her answer again.

10 MR. PURPURA: It is just one word.

11 A No.

12 Q No. Okay. And this cocaine in 209-34, were there any
13 tests conducted on this cocaine to find out the origin of
14 where the cocoa came from?

15 A According to our investigations that were carried out,
16 and the way that it was found at the border and information
17 that we received at the place to find the warehouses, it was
18 found out that it came from Colombia.

19 Q Were there any tests done on the cocaine to make a
20 determination where the cocaine came from?

21 A You can't test cocaine to find out what place to comes
22 from.

23 Q That you believe; correct?

24 A We did not do a test. We did an investigation of the
25 path that the cocaine followed.

Quisilema - Cross/Mr. Purpura

3344

1 Q Well, let me ask you about that investigation. I'm sorry
2 if I'm prolonging this.

3 Did you open up those packages you see there and
4 look for any markings as part of your investigation?

5 A Yes.

6 Q So tell us today what markings did you find on the
7 cocaine?

8 A They had several brands.

9 Q Okay. What are they?

10 A There was a brand that was like a Chevrolet-looking
11 brand. Letters.

12 Q What letters?

13 A BMW and other letters that I can't remember because a lot
14 of time has gone by. Other types of symbols. Lines like this
15 (indicating).

16 Q Slanted lines?

17 A Yes.

18 Q I assume there is some report about this; correct?

19 A Yes. It exists because at the moment that the cocaine
20 was about to be burned, we had to to open all the packages so
21 it could be burned.

22 Q And, as part of the investigation, you would like to see
23 what the markings are because they may or they may not be
24 important; correct?

25 A Yes, we did the burn practically a month after the

Quisilema - Cross/Mr. Purpura

3345

1 seizure. There were three months' of investigation. We had
2 enough time to take a look at the markings.

3 Q And that's, I guess, what I really wanted to know. You
4 mentioned a couple of markings.

5 What other markings were there as part of that
6 three-month investigation on all that cocaine?

7 A I don't remember. They were symbols. Every one of those
8 bricks had a brand on it and there were so many, so many
9 different ones, it's impossible to remember all the ones that
10 were on them.

11 Q I agree. 2009 was quite a few years ago; right?

12 A Yes.

13 Q And that's why you have written reports; correct?

14 A Yes.

15 Q And that's part of the three-month investigation, and
16 that's why you took your time and you wrote down what the
17 brands were, correct?

18 Is that a yes or no, ma'am?

19 A Can you repeat the question, please.

20 Q Because brands were important, you wrote down them;
21 correct?

22 A That's not my job.

23 Q It was someone's job to say, I'm not saying you did it, it
24 was someone's job to do it; right?

25 That's a yes or no.

Quisilema - Cross/Mr. Purpura

3346

1 A There's a police report.

2 Q Okay.

3 Did you give it to the Government with that on
4 there, with the markings? This government.

5 Yes or no, ma'am.

6 A Yes. May I speak.

7 Q Please go ahead.

8 A The documentation is provided through international
9 affairs, so I don't have the information to tell you. It's
10 been a long time.

11 Q Fair enough.

12 MR. PURPURA: Thank you, ma'am, no further
13 questions. Enjoy your stay.

14 THE COURT: Any redirect?

15 MR. NARDOZZI: Nothing on redirect, your Honor.

16 THE COURT: You may step down. Thank you very much.
17 (Witness leaves the witness stand.)

18 THE COURT: By the time we reset the courtroom,
19 ladies and gentlemen, it will be very close to 4:30, so I'm
20 going to let you go now.

21 Please remember stay away from media coverage. Do
22 not talk about this case to anyone. Do not do any research on
23 the Internet or otherwise about this case. Don't post
24 anything on social media. Put it out of your mind until
25 tomorrow morning at 9:30. We'll see you then.

Quisilema - Cross/Mr. Purpura

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1 (Jury exits courtroom at 4:17 p.m.)

2 THE COURT: All right. Be seated.

3 I'm not sure why, but I got a couple of requests
4 from Mr. Lichtman for production of documents. He asked me to
5 order the Government to produce some documents.

6 What does the Government have to say in response?

7 MR. FELS: Your Honor, we talked about this during
8 the break. We had actually turned over two spreadsheets back
9 on October 5th of 2018. We resent them just so the defense
10 has it at its disposal -- and I don't know why this is getting
11 so much feedback -- I apologize, your Honor.

12 The long and short of it are there are financial
13 documents. They are not his documents, they were produced by
14 someone else. If the defense wants to, we can produce those.
15 I don't know what Mr. Lichtman's perspective is on this, but
16 we produced the two documents a month ago or, I guess, two
17 months ago that relate to this defendant's finances that this
18 defendant had.

19 THE COURT: Look, what about the businesses that he
20 terms legitimate that he says he was the effective owner if
21 not the title the owner and he says there were financial
22 records for those businesses.

23 MR. FELS: There are financial records. In other
24 words, they're not his documents, they're not his \$3500
25 material, but we can produce those.

Quisilema - Cross/Mr. Purpura

3348

1 The larger point the defense was making that we
2 spoke about during the break is did the Government go through
3 these documents, all the losses as he claimed and they --

4 THE COURT: I don't know why you have to do that,
5 but they have to be produced. And the only question that I
6 have is, do they have to be produced in connection with this
7 witness because, as I said, he's not necessarily the record
8 owner but he is the beneficial owner of apparently one or more
9 businesses.

10 MR. FELS: We have no problem turning them over.

11 THE COURT: Okay. Mr. Lichtman.

12 MR. LICHTMAN: Obviously, what I don't want to do is
13 cause a delay any more with this witness. The Government did
14 turn over on October 5th two spreadsheets of two years of
15 financials for some of these so-called "legitimate
16 businesses." But they're a fraction, a tiny fraction of what
17 he claims are the purported losses.

18 I don't want to make a delay here and cause them to
19 have to go through every single document that they have on
20 this. They turned over, again, a fraction so I'm willing to
21 let it go at this point and I just don't see the -- there's a
22 diminishing marginal return at this point with too much
23 required that's going to be required to make them go through
24 this which I don't think is going to happen by tomorrow
25 morning anyway. So I'd rather just move on, frankly.

Quisilema - Cross/Mr. Purpura

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1 THE COURT: Okay. That's fine. I don't have a
2 request from the defendant for any relief so there is nothing
3 for me to dispose of okay.

4 Anything else we need to talk about?

5 MS. PARLOVECCHIO: Not from the Government, your
6 Honor.

7 THE COURT: See you tomorrow morning at 9:30.

8 Mr. Lichtman, you will finish tomorrow early, right?
9 You u you'd be done by lunch today and you told us another
10 half an hour.

11 MR. LICHTMAN: I'm just about done. But, again,
12 it's not completely up to me.

13 THE COURT: You're right, and I'm giving you leeway
14 because the witness is not answering yes-or-no-questions, yes
15 or no, so I understand that. On the other hand, a lot of your
16 questions are repetitive. Many of them, although there's been
17 no objection are argumentative. Better save it to make the
18 point to the jury than through the witness. So please don't
19 go over areas we've already been through.

20 MR. LICHTMAN: I'm at the very end.

21 THE COURT: See you tomorrow morning.

22 (WHEREUPON, this matter was adjourned to December
23 18, 2018, at 9:30 a.m.)

24

25

* * *

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I N D E X

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3	Government's Exhibit 506-24	3305
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20	Government's Exhibit 209-39	3337
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22	Government's Exhibit 209-34	3340

CERTIFICATION

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Denise Parisi

December 17, 2018

DENISE PARISI

DATE

/s/ Georgette Betts

December 17, 2018

GEORGETTE BETTS

DATE

/s/ David Roy

December 17, 2018

DAVID ROY

DATE

/s/ Anthony Frisolone

December 17, 2018

ANTHONY FRISOLONE

DATE

* * * * *